

*Leave of Absence**Tuesday, December 07, 2004***SENATE***Tuesday, December 07, 2004*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Martin Joseph for the period December 06, 2004 to December 11, 2004; Sen. The Hon. Christine Sahadeo for the period December 02, 2004 to December 09, 2004, and to Sen. Wade Mark and Sen. Carolyn Seepersad-Bachan from today's sitting of the Senate.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency The President, Professor George Maxwell Richards.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE
MAXWELL RICHARDS, T.C., C.M.T., Ph.D.,
President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Martin Joseph is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 7th December, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Martin Joseph.

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, December 07, 2004

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th day of December, 2004."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MS. ROSE JANNEIRE

WHEREAS Senator Christine Sahadeo is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROSE JANNEIRE, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Christine Sahadeo.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 7th day of December, 2004."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: DR. TIM D. GOPEESINGH

WHEREAS Senator Carolyn Seepersad-Bachan is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

Senators' Appointment

Tuesday, December 07, 2004

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, TIM D. GOPEESINGH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Carolyn Seepersad-Bachan.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th day of December, 2004."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. GARY GRIFFITH

WHEREAS Senator Wade Mark is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, GARY GRIFFITH, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Wade Mark.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 7th day of December, 2004."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Oath of Allegiance

Tuesday, December 07, 2004

Joan Hackshaw-Marslin, Rose Janneire, Dr. Tim Gopeesingh, Gary Griffith.

CARIBBEAN COMMUNITY BILL

Bill to give effect to the Revised Treaty of Chaguaramas including the Caricom Single Market and Economy and for matters related thereto, brought from the House of Representatives [*The Minister of Foreign Affairs*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sugar Industry Labour Welfare Committee for the year ended December 31, 1995. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sugar Industry Labour Welfare Committee for the year ended December 31, 1996. [*Sen. The Hon. C. Enill*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro Civic Centre for the year ended September 30, 2000. [*Sen. The Hon. C. Enill*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro Civic Centre for the year ended September 30, 2001. [*Sen. The Hon. C. Enill*]

Madam President: We will take Question No. 42 first.

ORAL ANSWERS TO QUESTIONS

**Urban Development Company of Trinidad and Tobago
(Contracts Awarded by)**

- 42. Sen. Sadiq Baksh** asked the hon. Minister of Planning and Development:
- A. In respect of the projects to be undertaken by the Urban Development Company of Trinidad and Tobago (UDEcOTT) for the construction of the Customs Building on Wrightson Road and the car park on Richmond Street, could the Minister inform the Senate if the contracts for these projects were awarded by way of public tender?
 - B. If the answer to (A) is in the affirmative, could the Minister provide:
 - (i) the full names and addresses of all the companies that submitted tenders?

- (ii) the countries of incorporation of these companies? and
 - (iii) the amount of the bid submitted by each company?
- c. Could the Minister name the company/companies to which contract/contracts were awarded in each case?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, during the period August 20 to August 31, 2003, the Urban Development Corporation of Trinidad and Tobago (UDEcOTT) continuously placed advertisements in the daily newspapers inviting contractors to pre-qualify for works of construction. Pre-qualification questionnaires were available at the cost of \$500 each. The questionnaires required applicants to indicate the category in which they wish to pre-qualify. The categories were as follows: 0 to \$5 million; \$5 to \$10 million; \$10 to \$25 million; \$25 to \$50 million; \$50 to \$100 million; greater than \$100 million. Madam President, 122 applications were received; of these, 19 applications were in the greater than \$100 million category, which is applicable to the Customs and Excise Building on Wrightson Road and the car park on Richmond Street, Port of Spain.

Evaluation of the pre-qualification questionnaires was carried out by an evaluation team appointed by the board of UDEcOTT. The evaluation team comprised the following persons: Mr. Winston Agard, Chief Executive Officer, Chairman; Mr. Ian Telfer, Chief Construction Engineer; Mr. Ricardo O'Brien, Chief Financial Officer and Miss Marsha Farfan, Senior Manager of Projects.

The report recommending the pre-qualification of four firms was submitted to the board of UDEcOTT and the board accepted the report of the evaluation team. The pre-qualified contractors were Carillion (Caribbean) Limited; Johnston International Limited; NH International (Caribbean) Limited and Hafeez Karamath Limited. These four contractors were invited to tender for the Customs and Excise Building and the car park and the tenders were opened publicly.

The names and addresses of all the companies that submitted tenders were as follows: Carillion (Caribbean) Limited, Southern Main Road, Couva; Johnston International Limited, P.O. Box 70, Turks and Caicos Islands, British West Indies; NH International (Caribbean) Limited, P.O. Box 309, Georgetown, Cayman Islands, and a local office at 39 Long Circular Road, St. James and Hafeez Karamath, 56 Cyrus Trace, El Socorro Extension, San Juan.

The countries of incorporation are as follows: Carillion is incorporated in Trinidad and Tobago; Johnston International is incorporated under the laws of the

Turks and Caicos Islands; NH International is incorporated in the Cayman Islands and registered as an external company under the Companies Act and Hafeez Karamath is incorporated in Trinidad and Tobago.

The amount of the bids submitted by each company is as follows: construction of the Customs and Excise Building on Ajax Street, Port of Spain—Carillion (Caribbean) Limited, \$125 million; Johnston International, \$190,554,754.86; NH International, \$114,460,303.85; and Hafeez Karamath, \$114,861,561.48. The contract was awarded to NH International, in the amount of \$114,460,303.85, which was the lowest bid.

Construction of the multi-storey car park on Richmond Street: Carillion (Caribbean) Limited, \$213,400,000; Johnston International, \$172,817,226.07; NH International, \$183,373,817.24 and Hafeez Karamath, \$174,933,184.24. The contract was awarded to Johnston International in the sum of \$172,817,226.07, which was the lowest bid.

Madam President: What is the situation with the other questions, Sen. Baksh?

Sen. Baksh: Madam President, I regret that questions Nos. 7, 15, 16 and 17 will be deferred for the presence of Sen. Mark.

Madam President: Hon. Senators, the other questions on the Order Paper will be deferred until Sen. Mark is back in the Senate.

The following questions stood on the Order Paper in the name of Sen. W. Mark:

**Ministry of Community Development, Culture and Gender Affairs
(Cost of Advertisements for)**

15. Could the hon. Minister of Community Development, Culture and Gender Affairs provide a detailed account of the cost of all advertisements utilized by her Ministry for public relations purposes in the various print and electronic media for the period January, 2002 to March, 2004?

**Point Lisas Port Development Corporation
(Acquisition of Fantuzzi Crane)**

16. Could the hon. Minister of Trade and Industry provide a copy of the internal audit report which investigated all the circumstances surrounding the acquisition of the Fantuzzi Crane by Point Lisas Port Development Corporation (PLIPDECO)?

**Point Lisas Port Development Corporation
(Forensic Audit for Fantuzzi Crane)**

17. Could the hon. Minister of Energy and Energy Industries indicate whether the Government of Trinidad and Tobago is prepared to conduct a forensic audit independent to the PLIPDECO Board's audit to determine all facts surrounding the purchase of a Fantuzzi Crane?

**Public Authorities
(Freedom of Information Act)**

7. A. Could the hon. Minister of Public Administration and Information provide the Senate with a detailed list of all public authorities that have published the required statement of particulars in accordance with the provisions of section 7 of the Freedom of Information Act?
- B. Could the Minister further provide the Senate with a detailed list of the public authorities that have not complied with section 7 of the Freedom of Information Act?
- C. Could the Minister also provide the Senate with a list of the ministries under whose jurisdiction the various public authorities have (i) complied and (ii) not complied with the provisions of section 7 of the Freedom of Information Act?

Questions, by leave, deferred.

RELATED BILLS

The Minister of Health (Hon. John Rahael): Madam President, the Pesticides and Toxic Chemicals (Amdt.) (No. 2) Bill and the Food and Drugs (Amdt.) (No. 2) Bill are interrelated. I, therefore, seek leave of the Senate to deal with them together. I do so with the concurrence of the Leader of Government Business in the Senate.

Assent indicated.

PESTICIDES AND TOXIC CHEMICALS (AMDT.) (NO. 2) BILL

Order for second reading read.

The Minister of Health (Hon. John Rahael): Madam President, I beg to move,

That a Bill to amend the Pesticides and Toxic Chemicals Act, 1979, be now read a second time.

Pesticides and Toxic Bill
[HON. J. RAHAEL]

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The Pesticides and Toxic Chemicals (Amdt.) (No. 2) Bill seeks to amend the Pesticides and Toxic Chemicals Act to strengthen the regulatory framework, as it relates to pesticides and toxic chemicals. The Food and Drugs (Amdt.) (No. 2) Bill seeks to amend Part II of the Third Schedule of the Food and Drugs Act to provide greater control in the distribution of certain chemical substances used in the manufacture of illicit drugs.

The legislative framework regarding chemical control, as currently exists, could be described as varied and scattered. Provisions for the control and monitoring of such chemicals are found in three pieces of legislation, namely, the Food and Drugs Act, the Pesticides and Toxic Chemicals Act and the Dangerous Drugs Act. The Pesticides and Toxic Chemicals Act regulates the importation, storage, manufacture, sale, use and transport of pesticides and toxic chemicals. The Food and Drugs Act deals with the preparation, manufacture, import, export, packaging, labelling, selling and inspection of food, drugs, cosmetics and medical devices. The Dangerous Drugs Act, especially as is evident by its amendment in 1994, is responsible for the establishment of provisions related to precursor chemicals.

The Government of Trinidad and Tobago recognize the importance of the precursor chemicals to the production of illicit drugs and psychotropic substances. Acknowledging that illicit drug production will be greatly handicapped without precursor chemicals, this Government is committed to controlling the import, export, use and diversion of these chemicals in an effort to suppress the illicit trade in precursor chemicals and, ultimately, illicit drug trafficking.

The commitment of the Government is grounded in the country's involvement in the International Coalition Against the Abuse of and Trafficking in Illicit Narcotics and Psychotropic Substances and its agreement to the 1998 United Nations Vienna Convention. The Convention is the template document governing international cooperation between countries that are parties to it, in the area of illicit drug trafficking, as it relates to crime and money laundering. It also provides measures that countries should implement in order to counter these crimes. Amongst these measures is the suggested control of the manufacture, import, export of precursor chemicals. Precursor chemicals mean any substance which can be used in any of the chemical processes involved in the production, manufacture or preparation of narcotic drugs, psychotropic substances or substances having a similar effect and incorporates a molecular structure into the final product, making it essential for those processes.

The fact that precursor chemicals are vital to the manufacture of illicit drugs has led to substantial quantities of these chemicals being diverted for illegal use. A survey done by the Chemical Action Task Force determined that the important links in the chemical distribution chains were being used to give effect to the diversion process. The Task Force identified the following methods as the most common diversion methods: theft, smuggling, misusing or abusing opportunities afforded by international trade and changing ownership after shipment. In the absence of a comprehensive legislative framework to execute the requirements of the Convention, the Government developed a quasi legislative framework through which its obligation under the Convention will be discharged.

The following agencies currently execute the relevant functions: the Drug Inspectorate; the Chemistry Food and Drugs Division of the Ministry of Health; the Strategic Services Agency, under the purview of the Ministry of National Security, and the Customs and Excise Division. The Drug Inspectorate was named as the competent national authority under the 1988 Vienna Convention and is responsible for the issue of import and export certificates. It is also expected to monitor the use of Tables I and II substances listed in the Convention.

In order to perform its duties, the Drug Inspectorate under section 6 of the Dangerous Drugs Act, as a guide to implementing the Convention requirements as they pertain to the control of precursor chemicals, monitoring was introduced on a phased basis. The inspectorate undertook an exercise to determine all manufacturers, importers and users of precursor chemicals; to this end, we established a registry of all manufacturers and users in Trinidad and Tobago and introduced monthly reporting by importers and users of such chemicals. The Inspectorate also developed a protocol for the import, export, sale and use of precursors and a registry in which, approximately, 172 chemical precursor operators are registered.

Most chemical precursors are imported rather than manufactured. Only essential chemicals such as ammonia and sulphuric acid, both of which are used in the illicit manufacture of cocaine, are manufactured in this country. In addition to the administrative measures that have been undertaken by the Drug Inspectorate, the Strategic Services Agency has responsibility that facilitates the Inspectorate's efforts. One of the main functions of the agency is to act as an office for centralizing information that would facilitate the detention and prevention of illicit trafficking in narcotic drugs. In addition, the agency maintains a data base of manufacturers and suppliers of chemical precursors and other substances used in the illegal production of drugs in Trinidad and Tobago and internationally.

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Although the agency is new, it has worked very hard to fulfil the mandate to prepare a drug interdiction strategy, to stimulate action and, more importantly, to monitor the implementation of the strategy. This agency is also mandated to establish links with overseas services and to provide a national focal point for the exchange of information and intelligence. It is evident that the control of precursor chemical requires an effective legal framework supported by stringent administrative and enforcement measures. Trinidad and Tobago, with the help of international and regional organizations, has, in fact, made concerted strides to establish an effective precursor chemicals control framework. Today, we are taking yet another important step as these Bills seek to strengthen the present legal framework.

Madam President, clause 3 of the Pesticides and Toxic Chemicals (Amdt.) (No. 2) Bill seeks to amend the long title of the Act to extend its scope in order to provide for the export of toxic chemicals. Clause 4 provides for a new expanded definition of the term, "toxic chemical". This Bill seeks to define "toxic chemical" as any chemical other than a pesticide which, through its chemical action or life processes, can cause death, temporary incapacitation or permanent harm to humans or animals, and includes all such chemicals irrespective of their origin or method of production or use. An "exporter" is defined as a person, whether an owner, consignor, agent or broker, in possession of the article or, in any way, entitled to the custody or control of it.

The monitoring of the production of these chemical substances and their movement is of utmost importance. Chemicals diverted from legitimate commerce can be used in the production of illicit drugs, such as cocaine, heroin, LSD. The control of such illegal diversion is thus essential to controlling illicit drug production.

Clause 5 seeks to enlarge the composition of the Pesticides and Toxic Chemicals Control Board by three members and to increase the number of members who will form a quorum. Clause 6 will amend section 4A of the Act to prohibit the export of a controlled product without an export licence. Clause 7 will amend section 5 of the Act to give the Registrar of the Pesticides and Toxic Chemicals Control Board the responsibility to supervise inspectors and give such inspectors instructions and directions in respect of their duties.

Madam President, clause 8 will amend section 6 of the Act to allow persons who are registered with the Veterinary Board to be designated "medical examiners" as, currently, only medical practitioners can function as medical

examiners. Clause 9 will amend section 12 of the Act to enable the Minister to make regulations in respect of the export of controlled products and will increase the fines for contravention of the regulations. Clause 10 will amend section 13 of the Act to increase the fines for various offences created by the Act.

Madam President, it is material to note that we have already drafted a package of toxic chemical regulations which seeks to address the import, export, use, manufacture, sale, storage, transport, handling and distribution of various classes of toxic chemicals. It is expected that these regulations will be published three months after the assent of these Bills. After these Bills are passed, the Ministry of Health intends to hold a number of workshops to educate stakeholders on the implication of these regulations.

Four classes of toxic chemicals will be regulated: highly toxic chemicals, toxic industrial chemicals, controlled chemicals and toxic chemicals with precursors used in the manufacture of chemical weapons. These categories have been developed based on consideration of toxicity, usage and whether they can be diverted for illicit purposes or not. Madam President, you will appreciate the importance of this Bill and the amendments to the Pesticides and Toxic Chemicals Act of 1979.

The Food and Drugs Act is amended by including under Part II of the Third Schedule a number of precursors. It is an offence to sell a Third Schedule drug without a prescription. However, it is important to note that where any such drug is contained in a cough or decongestant preparation, no prescription is required. It is very important for hon. Senators and the population at large to understand that for any drug that contains cough or decongestant preparation, no prescription is required. For any medication that relates to coughs, decongestants or matters relating to those kinds of illnesses, no prescription is required today and will not be required when this Bill is passed, as this amendment specifically exempts such preparation.

Madam President, I beg to move.

Question proposed.

Sen. Roy Augustus: Madam President, I rise to make an intervention on these very important Bills. Although I did it privately previously, I want to officially write into the record my welcome back to Sen. Dr. Saith and Sen. Kangaloo. They are people I admire. I wish to see them here for a very long time, albeit on this side of the fence, where they will spend most of their time in the future.
[Laughter]

Whenever I want to speak on a bill, I always try to figure out in what manner it will improve the lot of a certain group of people in the society; not that I am discriminatory, not that I have any loaded bias against others, except that I feel I must speak on behalf of those people. When I read about precursor drugs and the fact that these drugs, in the main, could be what could contribute to the street use of illicit drugs, then I worry. Then I go through what the Government has said; I go through what exists; I try to read and find out whether there are, in fact, enough controls in place to ensure that the diversion which we have been speaking about where these precursor drugs are concerned are prevented, as far as is possible, and in the main.

Therefore, I want to ask a number of questions of the Minister. I was hoping there would be more answers. I got a regurgitation of what went on in the House; I thought there might have been an improvement on the presentation here, having been given some time; not that what was presented was not of the best, but I know time improves things and I thought the hon. Minister would have gone ahead and given us some more information. For instance, are we satisfied that we have put in place, in a number of controlled areas, enough mechanisms to prevent that diversion that we talk about? Are we satisfied that what we are doing now will increase the number of controls that could help it? I say this against the background that the Trinidadian is a very creative person and a lot of the drugs on the streets today have been manufactured by our people.

In fact, roughly 10 years ago when I was more involved in the active work of the prevention side of drugs and so on, I remember there was a foreigner here who indicated that the crack cocaine which we had produced in Trinidad and Tobago was the most lethal, illicit drug that had been produced worldwide. I will not doubt that, because we are creative in Trinidad and Tobago; we even created the PNM, so we can create a lot of things. Have we stopped those laboratories from creating those drugs, first of all? Having the information that the illicit drugs are being produced here, what kind of statistics could the hon. Minister give this Senate as to the discovery, identification and destruction of laboratories over the last few years? What kind of statistics do we have in place? If we do not have statistics in place, does it mean that we have not been able to discover, identify and destroy?

If we have not been able to do so, we have to look very carefully at the relationship, maybe, between the Strategic Services Agency (SSA) and the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT). I am hearing that the SSA is supposed to identify all these areas and I thought in reading that the SAUTT had a

certain responsibility in preventing crime, so there has to be a certain kind of relationship between these two organizations to ensure that we can identify those sources. But more than that, have we been able to really zero in? I see a lot in the Bill of the question that the precursor drugs can be diverted at the point of shipping, at the point of transshipment, at the customs point; at a whole number of different areas. Have we plugged those holes?

I do not want the Minister to give me any confidential security information; I know that is normally the response, that we cannot tell you everything because it will be a breach of security. I want to know whether the Government is on top of the situation, so that all these areas on the coast, all these customs points, all these top level businessmen who have access to the kind of funds that can only be used for that, because small people cannot do it—have we been able to identify those people? Have we been able to identify and plug those holes? Tell me that and I will believe you and I will not ask you for more security information. But when you tell me this, I must begin to see arrests. I must begin to see people being held or people's homes being searched, not only for make-believe corruption in the past. I want to see people's homes being searched as a result of definite information that this Government would have had on the basis of people bringing drugs into the country and diverting precursor drugs. I have not seen much of that in the last couple of years and I am seriously looking forward to it.

Drugs have done a lot to this country. Drugs have destroyed our country. Drugs have destroyed our people and that is why this Bill is so important, if the real intent is to achieve what we all desire. I want to have the confidence that those on that side are, in fact, not only being decorative, not only responding to Vienna Conventions, but are ensuring that all these loopholes, all these areas, are being properly taken care of and that within the next few months to a year, not only will there be a reduction in the drugs on the street, but there will be arrests. There is an international statement which says that the evidence that you are being successful in preventing diversion of precursor drugs and that you are limiting the production in these illicit drug factories is the fact that the traffickers have to find new precursor drugs and go into new chemicals, because you have closed the holes. Show me the evidence, then I will believe you. I am looking forward to hearing from the Minister as to how much we have really done in terms of dealing with these people who engage in the diversion of precursor drugs.

I also noted in the Bill that there are more provisions for cooperation between the Government and the agencies of Government and the legal manufacturers of chemicals, which I think is an extremely good thing. I hope I am correct in saying

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that the chemical industry is a proud industry. I think that the chemical industry will not want to be tainted; I am putting my neck out here. Therefore, because they are in the business, they will know who are the legitimate people involved in the chemical industry. They will have a fair idea also as to who are the newcomers and trespassers. If there is fair cooperation and collaboration—I say fair—not F E A R—cooperation between the Government and the legitimate chemical industry, that is a way of dealing with prevention.

As much as I will always stand here and defend the police service, as in everything else, there are those in the police service who are given to receipt of exaggerated sums of money in order to allow this kind of drug trade to go on. The Government with all its resources at its disposal must be able to protect the legitimate chemical industry personnel so they will not be afraid of the backlash that can come from what some people call “rogue policemen”. I want the Minister to tell me that they are putting things in place to ensure that their collaboration and cooperation with the legal people in the chemical industry will be accompanied by the full protection of the State.

I move on a bit to the question of the use of toxic chemicals. I keep asking whether we are, in fact, in full control. Apart from the fact that you have those precursor drugs that deal with the manufacture of illicit drugs, you also have the other situation. I always try to locate what I say in terms of people who have to labour for what they get. I am talking about those people in the agricultural industry. Are we satisfied that we provide them with the kind of protection that is so absolutely necessary to ensure that the chemicals with which they are provided over the retail counter, are, in fact, not conducive to ill health?

In Trinidad we are creative and there are those of us who will import the correct thing and repackage it in another manner, having either diluted it or, at least, watered it down a bit, thereby making it dangerous, if possible, by mixing it with cheaper chemicals. What do we have in place in 2004 to ensure that our farmers, our agriculturists are, indeed, provided with the proper chemicals for use on their lands? What kind of education do we have for our end-users, the farmers, to ensure that they do not overuse or underuse chemicals or use the wrong chemicals? Have we put anything in place, given all the research taking place over the last few years, in terms of the eco-toxicity of chemicals and the hazards which you now have, given these chemicals affecting water, land, soil and the health of people?

This is not a local story, but it could be translated into any country. I read a story about a woman who said that her pregnancy was going very, very well; there

was not even the need for an ultrasound; everything looked beautiful. Two days after the birth of the child, after its full term, they realized the child was crippled. Further tests indicated that the child was a victim of toxic poisoning, because of the chemicals in pesticides used in the farm area in which she was living. It was not an incident which happened here; it is a report of an incident which happened elsewhere, but I do not know if it happened here and we did not report it. I do not know if it has been happening here and we have not been able to identify or discover it. I am putting this on the table so that the Minister of Health will begin to explore and investigate to ensure that we reduce the number of problems and dangers poor people are exposed to in the agriculture field. This is what I am asking for.

I am also asking that standards in packaging be identified, be put out there and be adhered to. I am asking that labelling be considered as an extremely important part of the industry. There are people who buy chemicals and, probably, do not even know what they are buying. It must be a crime to sell a chemical that is labelled for what it is not. All our inspectors and analysts that the Minister is appointing after a cumbersome programme, if they are not doing their work then all will go to naught. Can the Minister tell us, therefore, what is being, has been or will be put into place to ensure that packaging, labelling and transport from one point to the other are done under the best and most healthy of circumstances?

I also want to know whether we advise our people on the proper handling of these toxic chemicals when they are out in the field. I wonder whether we have any advice for them or any assistance to them, in terms of the kind of protective clothing that may be needed, in terms of the use of these toxic chemicals. The thing about nature is that sometimes what is good for us could be very bad for us if we do not help ourselves. In this case we are asking that those given the mandate to deal with the protection, safety and health of our people provide the necessary environment to make sure that our people are protected when they provide us with good food.

This Bill is important now, in terms of eco-toxicity, when one considers all the flooding taking place in those agricultural areas. It means if we have the wrong chemicals and pesticides and the overuse of pesticides, that we are sending it throughout every nook and cranny; it could probably affect our drinking water; so important it is. I, therefore, look forward to some kind of response from the Minister as to what is being put in place for protecting the health, not only of those end-users of chemicals and pesticides, but for those who have to consume, including those in office, because I think we all eat vegetables and produce from the land, in spite of our affluence.

I am happy to see that the Bill now makes provision for having a person with specialized knowledge of wildlife and its management. I have roots in Toco. I really love wildlife: manicou, tattoo and so on. *[Interruption]* I might have eaten dog meat in the past, because I used to eat in a certain place in St. James, then I discovered that—but I am still alive and I think I am still healthy. But it is important that those delicacies, that material that runs wild in the forest, that we manage it properly; that we ensure that even my grandchildren will be able to enjoy those wonderful pieces of meat that I grew up enjoying.

Of course, I already mentioned the question of eco-toxicity, in terms of an Environmental Management Authority (EMA) member being on the board. On paper it appears as though the board has been strengthened. What I would like to find out though, is what is really in place to assess the performance of the board. The board has a lot of responsibilities. I know that on paper the board is to report to the Minister all the time, but is there any real assessment programme that makes it fully accountable? Does it report to any of our joint select committees? I am not too sure; one has to look at that kind of thing? When you have these mechanisms on paper, one wants to see them performing.

I notice that there is a representative of the ministry with responsibility for consumer affairs. I suspect that this will be the person who will be the driver behind the kind of education policy that is necessary, if we all would make full use of what is in this Bill, in terms of the control of toxic chemicals and so forth.

2.30 p.m.

Let me tell you what I mean. As I said before, there are many people who use these things and who do not know what they are about. Therefore, there has to be this type of massive education and I want to make the difference between massive education and advertising. I am not talking about any ample use of newspapers to get the message across at a heavy cost, I am talking about community interaction between the people from the Ministry of Consumer Affairs and those in the communities who are directly involved in the use of these toxic chemicals and pesticides.

Of course one may say that television has now taken care of all of that, but if you have the will, there would be the way. We grew up with little mobile screens coming around to the communities and people coming out to the community centres and we exchanged ideas about community issues of the day and that went further than any colourful advertisement in any newspaper which says: look at, enjoy, and forget because there is no interaction between teacher, who represents

the person who comes with that screen, and the pupil who represents the community interacting and interfacing with the person who is telling them what to do about the use of these toxic chemicals and pesticides.

Madam President, I am arguing for a return in full to that situation where our communities are faced with people coming out of their offices and telling them what to do, how to do it, how to get the best results and so on.

I am coming to what I consider to be my final point. I came down Frederick Street this morning on another mission and because I was thinking of this Bill, I glanced across at 115 Frederick Street, the Chemistry Food and Drugs Division or Food and Drugs Inspectorate. It is at the head of Frederick Street after the jail, by the museum. That is the place where the analysts who are appointed by the Minister will have to carry their specimens for analysis and assessment. It is the worst and most atrocious building on Frederick Street today if not in Port of Spain. How in God's name can we take things there in 2004 and say we are going to our laboratory, our chemists, our food and drug inspectors who are professionals? When last have you seen it, Madam President?

Do you know the ironic thing about this? That building is over 100 years old and if ever there was a building that was crying out for its tenants to be evicted, it is that building on Frederick Street, not Mille Fleurs, not the people who are squatting here and there. Evict those people and put them in proper surroundings with a proper laboratory, or either pull down the building and put something else there, but give them a place in which they can work which is parallel to their professional responsibility.

What is even more ironic, it is supposed to be the grandmother of all these assessment agencies we have in this country. That building at 115 Frederick Street spawned the Bureau of Standards; it is from there we got that entity. They developed it and then they moved out. It is that place that also developed the water quality laboratory at WASA now and they too are in proper surroundings, it is that place that developed CARIRI which is now in a beautiful building somewhere in Tunapuna and today—you have heard about bastard children—that is a bastard mother because she has been neglected, she has been left there and we carry specimens there to be analyzed. I wonder whether the results are valid. I wonder whether specimens, having left the place from where they were taken and gone into that building became impure then.

Madam President, I know that last week the Minister mentioned that he was unhappy with the state of laboratories in this country, well that is one he must deal

with. We have to give those people a place to show them that we recognize them. While I am on that, my information is that there is a staffing problem, a promotional line problem, and there is conflict. It is difficult for a food and drug inspector with all his qualifications to access the position of the Chief Government Chemist even though he may have all the qualifications. My information is that it was the subject of a court matter recently, but even so, whenever it happens, as remotely as it does, it creates conflict between the two lines and that never helps. I am putting this on the table, not to accuse anyone, but to ask that we look at people's performances, respect their work, and let us see how best we can get them working comfortably and, therefore, producing in the best interest of the country.

So having said my short piece, I just want to tell the Minister that this Opposition team will support this Bill and, of course, we will support it for a number of reasons. Firstly, because we want to see people given the best treatment, foods being produced properly, and pesticides being used well, and also because we want to ensure that the drug trade does not flourish. Anytime a bill comes to this Senate that can safely assist in reducing crime, the Opposition will support it 100 per cent.

Thank you.

Sen. Basharat Ali: Madam President, when I was preparing my notes I said I propose to limit my contribution to the amendment of the Pesticides Act, No. 42 of 1979, but I am very happy that the hon. Minister kept to his text in the Lower House where the Bill lapsed. So having read this I can do a little critique on it and I will do so as I go along.

As I said, I did not think I was competent to talk about precursor chemicals. I know quite a lot about them but in a different environment. For example in Petrotrin, we are going to spend a lot of money to put up a plant called a Continuous Catalyst Regeneration Reforming Unit to manufacture high octane gasoline, and there we have the question of precursors.

The precursor to making benzene, zylene and toluene which are high octane chemicals are precursors called cyclohexane and methyl cyclopentane, et cetera. So we do have chemical precursors in a general sense, and I hope they do not get dragged before them because their feed stock in fact has quite a few of those and other material within the manufacturing sector, and the refining sector particularly would have such precursor chemicals.

The definition which was given in the Minister's presentation is really one which probably comes from the Dangerous Drugs Act. A precursor chemical means a substance which can be used in any chemical process involving production, manufacture or preparation of narcotic drugs. So it is really a definition not within the purview of the Bills which we are debating. I can be mistaken because I did not have time to go through all the Bills, but it did give me a little incentive to look at the definition pages of the Dangerous Drugs Act and the Strategic Services Agency (SSA) because many of us did not know who they were until quite recently.

So I do not know about precursors to drug manufacture and I will steer clear of it. I do not know about pseudo chemicals either, like pseudo-ephedrine, I think it is. I know about pseudo intellectuals and I have heard about pseudoracist, but I do not know about pseudo chemicals, so let me stay away from that and keep within my bailiwick which is industrial chemistry.

Madam President, in speaking to the amendment to the Pesticides Act, No. 42 of 1979, I wish to say that today's debate is a very appropriate one in terms of timing. On December 03, the 20th anniversary of the so-called Bhopal Disaster was marked. That is a most significant matter because it relates to the biggest ever industrial accident in a chemical plant producing what is called methyl isocyanate which is used in the manufacture of pesticides, for example, carbaryl which is often called sevin, or aldicarb which is said to be a very toxic pesticide. I am speaking in the context of a plant which has caused a lot of pain to people for the past 20 years and anybody who has a feel for this kind of thing would know what a disaster Bhopal has been.

Madam President, I am geography and history challenged, history more so than geography. So notwithstanding the fact that my forefathers came from that subcontinent, I had to go through an Atlas to find out exactly the location of Bhopal. It is located on the Tropic of Cancer about 400 kilometres south of Agra which is where the Taj Mahal is, and I think the hon. Minister would like to think of that in terms of his Regional Health Authority as being in north-central in India.

Let me just very briefly go to a summary of that accident which occurred in the very early hours of December 03, 1984. The chemical methyl isocyanate, is highly flammable, very volatile and it boils at 39° Celsius so almost at ambient temperature it is ready to boil and is extremely toxic.

This began leaking presumably from the admission of water into a tank and it leaked as a gas while people were asleep in this town of Bhopal. It is not a rich

town, in fact, it is said that many people live in slums or shanties. This pesticide complex was owned by a subsidiary of Union Carbide Corporation of America which held 53 per cent of the shareholding in Union Carbide and the President of that company was, in fact, a Union Carbide man.

It is reported—and this has never been in doubt—that some 50 tonnes of this deadly chemical leaked into the ground and into the atmosphere. On that particular occasion, more than 3,000 residents died and death by inhalation took three minutes. Many thousands were disabled or affected by this chemical. There are a lot of campaigners for justice for the people of Bhopal and they claimed that almost 20,000 persons have since died from the after-effects and 120,000 continue to suffer from the symptoms of chemical poisoning including cancer, anemia, infertility and birth defects.

The factory site is still abandoned from the last report I saw on December 03, 2004, and it is closed to the public but city investigators say that thousands of tonnes of toxic waste are still stored there. In fact, there are claims that when the monsoons come, the rain washes the chemicals into the ground water contaminating the wells which are used for the supply of domestic water in this town.

The Union Carbide Company agreed to pay US \$470 million as compensation to victims in settlement of a civil suit in 1989, but the matter does not rest there. In 2001, Union Carbide was bought by American Dow Chemical Company, so it is now a subsidiary of Dow and in the continuing case, the chief judicial magistrate of Bhopal was expected to rule on December 04, 2004 whether the company and its officials should face criminal charges including manslaughter over this catastrophic disaster. Neither Union Carbide nor Dow has ever accepted any responsibility for what happened having said they have settled the matter, although not many of the survivors have received any large amount of compensation, because the US \$470 million have not really filtered to them. I think they say about \$330 million are still in the banks.

Amnesty International has been a key player pursuing the interest of the people of Bhopal and has published a 100-page report on the anniversary of this tragedy. If anyone wishes to read this report, it can be accessed on the web site www.Bhopal.net.

Madam President, I will spend some time describing this incident and its aftermath if only to emphasize that we need to take legislation like this very seriously, its administration, its enforcement and its observance. The law is there

to protect all of us whether we are producers, distributors, operators or consumers and to protect our environment and natural resources from contamination.

I wish to endorse the comments of Sen. Augustus who spoke quite passionately on the subject of things like enforcement and information. I will return to that when I discuss the regulations.

Madam President, I chose to speak on pesticides because I was born into pesticides. My father was a gardener in Aranguéz so all the tomatoes, cabbage, cucumbers and the baigan were always treated by pesticides or fertilizers. So I always knew about salt as a little boy growing up. Salt in fact, is ammonium sulphate, or was at the time. Pesticide was used as a spray in a hand-pressured container with a nozzle and it was, in fact, a spray against blight which is fungus. So I know from those days as a boy growing up what pesticide use was all about.

My father evidently was never affected by it because he lived until the age of 86, but I feel very strongly for people who have to use pesticides without the proper control of the chemicals. Last week, in the motion after the adjournment, if there was an opportunity to speak, I would have spoken. I am from Aranguéz so I know the problems in that motion which were raised by Sen. Mark.

Madam President, in preparing for this debate, I spent a fair amount of time in researching the parent Act and its amendments, and regulations relating to it and I attempted—in addition to informing myself—to assess how well all these things have worked; the Act, the amendments, the regulations. In terms of the Act, the parent Act No. 42 was assented to on December 17, 1979 and proclaimed by the then President on November 01, 1987, some eight years between assent and proclamation. So I am hoping that the Occupational Safety and Health Act (OSHA) does not take that long. Everybody knows that I am passionate about OSHA and I speak about it again today because I think it is very much related to this Act.

Madam President, you were not here when the Minister of Labour and Small and Micro Enterprise Development responded to my question No. 9 on the Proclamation of OSHA on November 02, 2004. I had asked the question many times before and he referred me to *Hansard* in support of his statement that it would take at least one year for a proclamation of that Act.

To set the record straight, his predecessor on January 13, 2004 said two things: the first thing he said was that it was the intent for the Bill to be proclaimed in stages; and the second thing he said was that the time frame for the Bill to become completely operational was one year. So there was no question of

at least one year and that is why we were so disturbed on that occasion when the hon. Minister could not give us a time frame 11 months after the Bill was passed in Parliament, and I pleaded with the Leader of the House on that side to take steps to have an early proclamation of OSHA which is very much linked to this particular Bill and you will see where the linkage comes up when I come to the end of my contribution.

Madam President, one important amendment to this Act took place before it was proclaimed in 1986. The records say it was passed in the House of Representatives on July 04, 1986 by a required three-fifths majority presumably because it was felt that the Bill was inconsistent with sections 4 and 5 of the Constitution.

The amendment also provided for an appeals tribunal to hear and determine appeals from decisions of the board and that tribunal comprised the Permanent Secretary of the Ministry of Health and the Permanent Secretary of the Ministry of Agriculture, Land and Marine Resources, a specialist in pesticides and toxic chemicals or in occupational safety, occupational medicine, or industrial hygiene. There was, in fact, a little hiccup in terms of that board and I will refer to it later for the benefit of the hon. Attorney General and the hon. Minister of Legal Affairs.

Section 13(1)(b) of the original Act made it an offence for a pest control operator to contravene the regulations to any registration or licence given to him, but that section was repealed in this amendment and was replaced by what were two rather general kinds of cases for offences. So instead of 13(1)(a) saying:

“A person is guilty of an offence who—

- (a) manufactures, imports, sells or uses a controlled product in contravention of the regulations, or in breach of any...controlled substances.”

And 13(1)(b) saying it is an offence for a person who

“operates as a pest control operator in contravention of regulations, or in breach of any condition subject to which a licence was granted.”

In that amendment, it was replaced by a person is guilty of an offence who (a) contravenes the provisions of this Act and (b) breaches any conditions subject to which a licence was granted to him under the regulations.

Madam President, as a result of this, there is really no direct control of pest control operators since the only way they can get there is to register a chemical and that is a general thing. Anyone can apply to register a chemical and if it is in

his name he can use it. The alternative is for them to import chemicals which are already on the listing, and the third alternative is for them to register their premises. Although this does not provide for outside use, it provides for sale. I found that to be an area which was lacking because we really have no control over all these operations.

I am saying so because of what happened recently in south Trinidad and that was related to the spraying of Malathion where there were three schools which were sprayed: ASJA College, ASJA Primary School and Barrackpore Secondary Comprehensive. These schools were affected by the spraying of Malathion which is a registered pesticide in the category of so-called organophosphorous compounds. It is widely used as an insecticide in *aedis egypti* control for dengue as we know.

In New York, it is used in West Nile virus control, and I presume that people are aware that there is a health advisory from the ministry on the detection of antibodies of the West Nile virus in four samples; two from horses in Arima as well as two caged birds from the Wildfowl Trust where there were positive antibodies for that virus which is transmitted by *culex* mosquitoes as far as I am aware.

This is just a general advisory and I commend the ministry for letting people know, because this is the time of the year when we get a lot of intakes from America and this is where the West Nile virus has been for a long time and each year they have to do a fair amount of spraying with the same chemical, Malathion.

3.00 p.m.

But when it was done in the school area, I do not think very many people knew what it was all about, and in the absence of any regulations to operators, there was the situation where nobody really knew what happened. I was disturbed, from the media reports, by a complete lack of consistency on information. One of the few knowns was that Briko Air Services were the aerial sprayer. They were spraying for frog hopper control of sugarcane. That was what was reported. So that was one of the few knowns. In what capacity were they operating? I do not know whether Briko Air Services have a licence, or in what capacity they can go and do aerial spraying of a chemical which is a controlled chemical.

We do not know whether they were contractors to the Ministry of Agriculture, Land and Marine Resources or to the Sugar Manufacturing Company. One newspaper said that SCML disclaimed responsibility. They said they were only engaged in manufacture and not in cane farming. That is the *Guardian* of October

21. I have it here. Another, which was the *Newsday*, said in a headline: “Sugar Company takes blame for sick kids.” There was silence from the Ministry of Agriculture, Land and Marine Resources. Another headline says: “Briko blames breeze.” [*Laughter*] That is a fact. It is all here. It sounds laughable, but that is what it was. There was very little information about malathion from the USA. Some little information came from the US, Environmental Protection Agency (EPA). I do not recall any communication or release from our own Environmental Management Authority (EMA), but we do know that the children and teachers did get sick, as was ascertained by Dr. Steve Ramroop of the San Fernando General Hospital.

Technical information is easily available to any person who wants to find out about aerial spraying. There are two things about it. Malathion comes in various formulations and the formulation, really, determines what classification of toxicity it might be. The one that is used in aerial spraying is Malathion ULV concentrate. It is a very strong stuff. ULV means ultra low volume. That does not relate to the chemical itself, it relates to the spray applicator that is used during the spraying process. It is 95 per cent malathion and 5 per cent kerosene.

So that is what is sprayed, and the conditions for spraying are well documented, in fact, in the literature. Certainly, what happens in these cases is that the persons who are supplying the chemicals, do so, and the spraying gives those details. I am trying to locate the little piece of information. It is very simple. You go on the website and you find out what is being done.

Here it is—Malathion ULV. Let me just read what this says about aerial spraying for mosquitoes which, presumably, is not dissimilar to aerial spraying for froghoppers. It says:

“Use Malathion ULV Concentrate Insecticide undiluted for ultra low volume aerial applications...Aircraft must be equipped for ultra low volume applications. Conventional aircraft spray equipment can also be converted to ULV application by making a few minor modifications in the plumbing and boom assembly. Generally, spraying should not be attempted when the wind is at or above 16 km/h or the temperature is above 28° C.”

So there we have the conditions under which it is set. I think this is a Canadian document, so it must be Nu-Gro Corporation that must be producing this malathion.

So it is no mystery and I am surprised that nobody really came out with a story on this. I do know from discussions later on that the Sugar Manufacturing

Company confirmed to me that they were a contractor, or a paying agent to the Ministry of Agriculture, Land and Marine Resources. That is what they said their position was. They were really a bursar. They got a bill and they paid it, so they really did not have any specific interest in the matter. But I want to know what is Briko's position in all of this, because the people got sick—that is one side of it—but what is their categorization? Where are they? In the absence of a pest control operator, I am really concerned.

I did a little perusal of the yellow pages of the TSTT directory and there are a lot of pest control companies. Let me just give you a random sampling of some of them: Omega Pest Control out of El Socorro. This must be a good deal. They say: "Your roach problems solved or your money back". Minister of Consumer Affairs, please note. You have Flick which is from my area, Aranguez. They claim to be registered with the Pesticide Control Board. In what capacity, I do not know. As I said, there is registration of a pest control operator. Then there is Pestex from San Fernando and Port of Spain. There is one company called R-Tech Industries in Barataria which they say are exclusive agents for ECO2 Fume, which is some patented fumigation process; I am not too sure. Then the "biggy" in Trinidad and Tobago, Rentokil Initial, and they claim to be the world's largest pest control company. Well, they are a subsidiary. Then there is one called South Central Pest Control. I think the hon. Member for Caroni East might take objection because this company is in Cunupia. Finally, there is Terminix which operates out of Port of Spain and San Fernando, and they claim a patented exclusive wall injection system for termites. They are probably a licensee or a franchisee of the US company, Terminix. Then the other local company is Trinidad Pest Control, which has been in the business for a long time.

As I said, I do not know whether these companies have products which are registered with the Pesticides and Toxic Chemicals Registrar, or whether they are licensed to import or to have premises licensed, and I would come back to whether they have licensed premises in accordance with the regulations. As I said, there are no regulations specific to them. I keep repeating it because I feel strongly that a group like that should be controlled. I am hoping that when the Occupational Safety and Health Act (OSHA) kicks in—and that is why I keep asking about OSHA—they will all be declared factories or industrial establishments and OSHA would take control of them to ensure that the workers and the people around, are protected. That is why I am so passionate about that. I have gone through this in detail because, as I say, it is important that we do, and I will come back to it at a later date. So we need to have our law clarified. Someone

told me Trinidad is a nine-day wonder. This was a one-day wonder, you know, because it happened on October 20; three newspapers reported it on October 21; nobody died or nobody probably remained long in hospital, so it was all done. Nobody knows. So malathion is finished, for the time being anyway.

I wish to return to Act No. 42 as amended and proclaimed. Let me go through section 12(1) of the Act. I am afraid I am going to have a relatively long contribution; I have to watch my time. Section 12(1) of the original Act is very interesting because that is the section which relates to regulations, and it says:

“The Minister may make regulations for carrying into effect the provisions of this Act and in particular may make regulations for—”

26 alphabetical items plus four double alphabet items. So from (a) to (z) and from (aa) to (dd). I cannot read them all, but it was a good area for me to look at and to see how well the regulations are performing. I asked people, because I wanted to know whether this Act was failing, whether it was a pass Act or whether it was 100 per cent or even an excellent Act. From a lot of these questions from the (a) to (z) and (aa) to (dd) that I asked, some of them were quite positive. For example, the question of section 12(1)(e): “controlling the conditions under which controlled products are stored”, they got a very good mark on that one because they say all these people, like Oscar Francois, Trac Mac, and people like that who are the big importers and, presumably, even Caribbean Chemicals, they apparently get very good marks in terms of their facilities and abiding by the regulations with respect to storage.

Section 12(1)(f) states:

“for protecting workers against the risk of poisoning...”

They say it is generous to say 50/50. That is what my feeling was. Protection of other people was almost very low, indeed. Then in (h) it states:

“prescribing the maximum permissible levels of any controlled product in any particular kind of produce at the time of marketing or sale, which in the case of food, shall not be inconsistent with any provision of the Food and Drugs Ordinance...”

This is what I was talking about. Did anybody say you cannot use 91 per cent malathion ULV and 5 per cent kerosene? So it is below 50 per cent, certainly.

Another question relates to records. This is a very important one, the requirement for keeping records. There is not much in the regulations about

keeping records and it is a very important thing. It is not only for the person who has an import licence to be able to say. “Okay, this is what I have imported”, but where has it been disposed of? I think the same question is being asked now about drugs. So in this particular case, I think we need to have better control as to where all these chemicals are going. They are selling well, and if we do not control them, everybody knows what happens. It does not end up in cocaine or heroin; it ends up in the waterways or it ends up as residuals in the food we eat, and if we do not take care to wash our foods, then we are exposing ourselves to hazards which we may not even know about.

Section 12(1)(l) states:

“prescribing the procedure for granting licences to operate as pest control operators...”

That went by the wayside. They do not even have that anymore, so I do not know why it is here in all the items. It has never been deleted, because nowhere else is there any reference to pest control operators as a classification of people. I can go through a number of them, but those are the important ones that I can pick out in the time available to me.

So what I would say is, they got a low pass mark, maybe between 40 and 50 and there is certainly the basis for doing better, both from the point of view of putting the laws and regulations in place so that everybody will understand. As Sen. Roy Augustus said, we need to have a massive information campaign and not an advertising campaign, because it appears to me that in registration, particularly, the board, because of its limitations in staff, et cetera, might be reactive. So, somebody who wants to register a chemical—pesticides I am talking about as a chemical—the chemical manufacturer will give them the list of what is required under the regulations for doing so, and that is where they go. Of course, the board will sit and meet and the board can even accept a registration from another Caribbean country, provided it is properly certified.

So it is a situation where there are not enough resources for looking at, or controlling, this element, and that is registration. Even the question of classification of toxicity, which is a requirement for stating on your registration, is very dubious, because I found it not easy to find out what that classification is. The people at the Food and Drugs Division eventually helped me very much, in that they told me that the pesticides are classified according to the World Health Organization guidelines. But one important thing is, they do have the ability to vary that.

An interesting one, really, is something with which we are familiar, very familiar, and that is, grammoxone which is classified as a lower category toxic chemical under the WHO. In fact, it is classified as 2, grammoxone; the same as 85 per cent sevin, which says: “Moderately hazardous or harmful”. But in Trinidad and Tobago, recognizing what happens with grammoxone, which is so often ingested, they have moved it to class 1A—extremely hazardous, very toxic, and they have asked for specific things to be done, to include a pneumatic in it; to put a stenching agent in it so that people would recognize it immediately, if it is properly labelled, and will know what it is. So they do have some flexibility within the Control Board, which is what I have been told, while you must adapt their guidelines to the local circumstances.

Looking at regulations for registration, I highlighted two other things required for the board to do, and one is that whenever an application has been received for inclusion in the register of a toxic chemical, it must be advertised in at least one newspaper and it must be such a notice that it spells out that in accordance with the regulations the public can write and say whether they disagree with what they are being asked to register. I was really concerned on that one, because when I asked about it, I found, in fact, in the *Express* of June 29, 2004, there was one notice here, headed: “Pesticides and Toxic Chemicals Control Board, Registration of Pesticides”. It states:

“You are required to register a pesticide at a time...”

Well, maybe, if you accumulate a few you will do it all at one time. But this sheet here that I have before me consists of 29 pesticides for which people have applied for registration. It includes a whole gamut of them: insecticides, fumigants, mosquito coils, herbicides. Most of them have trade names so you can see what we are facing here. But nobody can handle 99 of these at the same time, so it must have been accumulated for some time. So I am asking, can we be more realistic about that? If we are short of staff, let us say so, but do not make regulations which we cannot live with. This is a very cogent thing, as far as I am concerned.

The second part of regulations that I looked at, relates to regulation 26, which requires that the board publish from time to time in the *Gazette* a list of all pesticides currently registered or deleted from the register. Our Parliament library cannot trace a publication in the *Gazette* from 2000 to present. So how many pesticides are in the register—and I say, pesticides, advisedly, because this is a pesticides Act up to now—and how many, if any, have been deregistered? We do not know. I do not know of any. I hope the hon. Minister would be able to enlighten me, but that is all I can tell you about this: Applications for 99 of them,

I do not know whether any has been disallowed or not, and then the fact that since 2000 to now, at least our Parliament library has no record of a gazetted list of either those pesticides that are in the list, or whether there have been any—

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. E. McKenzie*]

Question put and agreed to.

Sen. B. Ali: Thank you, Madam President. I did not know I was going on for so long. It is a good thing I did not read those (a) to (z) and (aa) to (dd) regulations. I would have used up my time already.

The next area of concern relates to licensing of premises. There, I can say, categorically, that nobody can conform to the regulations in terms of what this notice says. Firstly, I have a strong feeling that a lot of these little plant shops do not have a licence to sell retail. I went to a couple of them as just another consumer and, really, I found there was no notice outside, but they might have a very good reason why they cannot put up a sign. The form "C" in the regulations for application for a licence says:

"Notice to be displayed outside premises licensed for the sale of pesticides."

Let me read it. It is very significant.

"The notice shall be on wood or metal of a size not less than 900 metres in width and 150 mm in height, to words in black on a white background, maintained in a legible state."

Madam President, 900 metres is what Darryl Brown has to run nine times. It is here in black and white. The second part of this is even as bad, if I can use that word:

"The notice shall be displayed at a height between 2.5 and 3.5 mm above the floor level of the entrance of the premises, easily visible from the approach to the entrance."

I do not know who wrote this. Evidently he was certainly de-metricated in 1987, and that is the year we abolished the drive towards metrication.

Hon. Minister, through you, Madam President, you cannot even enforce this because it is unenforceable. Nobody puts a safe label up, apart from the fact, as I

say, there may be a lot of people who are selling who are not licencees or who do not have licensed premises, because that is the only thing that any person who sells, has to have, a licence. So I do not know who has looked at it, but I did and it struck me because I am a metric person. I have to say once again, because of this lack of appreciation of the metrication, I have to ask my good friend in the Ministry of Trade and Industry, through you, how about proclamation of metrication, the Metrology Bill? He had asked for six months and that has expired, so I put him on notice that his six months have expired so he is on borrowed time from now on.

Before I finish my time, I had better do what I wanted to do and that is to propose an amendment to clause 5 of the Bill. I have asked the Clerk of the Senate to circulate a copy of this amendment. It is a very simple one, in fact. All I am asking is that section 3 of the Act be amended by putting in a new (a), whereby “the Executive Director, Occupational Safety and Health Agency” will be the person instead of “the Industrial Inspection Supervisor”. I know some people would say that Act is not proclaimed yet; I have an answer to that. One is, there is provision right there in that section whereby they are appointed, for alternates to be appointed. So even if there is no person in that position today, then there is provision for an alternate. So if the Act is proclaimed the next day, you do not have to go back to have it altered. That was one of my key things, because it takes so long to get some little amendment in the Act.

The second reason I brought this up is that the question of coordination of duties of inspectors is a very critical item under the Occupational Safety and Health Act, and I would like, if I can find it, just to read clause 69(5)—here it is—which refers to what happens when the agency is formed. Clause 69(5) states:

“The Agency shall not later than three months after the commencement of this Act, initiate consultation with governmental entities performing various inspection functions, with the objective of formulating memoranda of understanding or other arrangements between the Agency and such other governmental entities, which shall establish the mechanisms for co-ordination across jurisdictional lines and provide for the implementation of integrated occupational safety and health programmes.”

That is what I have been asking for and that is why I have chosen to propose this amendment, because he is not a peer member of the five officers. The other four officers are the Chief Medical Officer; the Chief Technical Officer, Agriculture; the Chief Chemist, as we call him, and the Director of the Bureau of Standards. So he is the only one who is, in fact, at a lower category. So I am

saying, you will require, particularly to implement this, a peer, someone who is in a peer group, and in the interim still appoint a person, who is a very competent person, I am sure, in terms of the factory inspectorate, and that is the Industrial Inspections Supervisor.

So I hope that amendment will be facilitated during the committee stage. I wish to thank a lot of people who were willing to discuss frankly with me, matters relating to the Bill, which I have attempted to highlight. I wish to specially thank the Chief Chemist and Director of the Food and Drugs Division, Mr. Teemul. I mention his name because he is the person I spoke to; and the Pesticides and Toxic Chemicals Registrar, Mr. Kerr, who really helped me a lot. I see them as very hardworking public officers who, with their extended terms of references would certainly need a budgeted boost to provide the resources required.

3.30 p.m.

My thanks also to the Executive Director of the Bureau of Standards and Mr. Prem Nanlal who is now the Chairman of the Sugar Manufacturing Company Limited (SMCL). A special thanks to the people who have helped us here: our librarian and the research staff who are always responsive to requests.

Madam President, Senators on the Independent Benches are the most disadvantaged because we have no research capability. If we do not have Internet access or we are not easily accessible or friendly to it, we have a problem. We cannot access Acts, et cetera. We do not have somebody to say: "Look, go and find so and so." We, however, come down here and talk to the librarian and we get help.

Madam President, as I said before, these are things that need to be done on an urgent basis. What I was saying was that there needs to be some sort of coordination. I would like to suggest to the hon. Attorney General—I hope he is listening to me—that we really need to look at all of these Acts; the Dangerous Drugs Act, the OSH Act, the Food and Drugs Act and the Pesticides and Toxic Chemicals Act, to see how consistent they are; where the holes are. As you know, in this country as soon as a situation arises they are either fighting for turf or hiding because they are under fire. Madam President, I thought I had that within my text here but it must be somewhere else.

Madam President, that is probably as much as I would like to say although I did make some observations. As I said, we have to look more closely at provisions for: handling waste, control of residuals, concern and safety of vegetables, contamination of waterways and the protection of the environment

and the safety and health of employees of pesticide operators. We need an early proclamation of OSHA, if we do not capture them under this Act. The interface among the relevant Acts is very important. We have the EMA, OSHA, as I said; we do not want to fight for turf. Madam President, I am glad that in the amendments, as proposed, there are provisions for an EMA person and a wildlife specialist to be included.

Hon. Minister of Legal Affairs, I am a little diffident about consumer affairs but I am assured that there are a lot of people who are asking to have control, particularly, of these pest control operators who say they do things like prepare your soil and whatnot, and who do not do it. This, I believe, is one of the reasons for asking for a representative from the ministry, apart from which the concern about what we are doing about toxic dumping, I am told that there is still a lot of DDT in Trinidad. I believe that DDT was banned in 1972 but it is still stored somewhere in Trinidad. So there needs to be the facility for consumer research as to where that is and how we would get rid of it. We do not want a Bhopal situation in Trinidad and Tobago.

Thank you very much, Madam President.

Sen. Dana Seetahal: Madam President, with respect to the Bill to amend the Food and Drugs Act, which is one of the Bills before us, it seems to me that there can be no quarrel with that amendment. In effect, what it is doing is amending the Third Schedule. As the Minister highlighted, it makes for a requirement that any drug that contains these substances which have been identified would need a prescription.

Madam President, speaking as a person who practises in the criminal arena—in the criminal law arena—[*Laughter*] it has been my experience that too often we see persons who use common remedies; common items and achieve a state of intoxication of a certain kind and they commit crimes. One of the items not covered here is bay rum. I do not know if Senators know this, but people who cannot afford certain drugs use bay rum. It is a commonly used substance, item, drink or whatever you want to call it, which is cheap and it achieves a state of intoxication fairly quickly. On any given day if one walks through Woodford Square, one can see persons who are addicts; who are addicted to this stuff.

Madam President, another common item is glue. The sniffing of glue has been recognized by the courts as a common method of achieving addiction. I do not expect the law to recognize everything. We cannot include in the Narcotics and Psychotropic Drugs Act, necessarily, glue or bay rum, but there should be some

kind of policy—I think Sen. Augustus mentioned it—and education for the public. These are the things that we need to bring to the fore. Many people who are not familiar with what goes on in the courts would not know this. They would be surprised that these common items can be used. In the United States of America cough medicine and also many non-prescription drugs have been identified as a source of addiction. It is good to see the ministry is attempting to bring some of these under control.

The second Bill before us, and I move quickly to the Pesticides and Toxic Chemicals (Amdt.) Bill; there are just a couple points I would like to make. The first point was referred to by the previous speaker, my colleague, Sen. Ali, when he talked about what is commonly called “Indian tonic” in this country by some, grammoxone. It is no secret that this is a substance used in the commission of suicide by people who want to achieve that end and they think that this is the quickest way to do it. The reason it is used is because there is no control. There is no requirement in this country, as in some other countries that when you buy certain types of items—well this is a deadly pesticide—you should sign a book. In more developed countries, to which we are moving in a few years, there is the requirement that you sign for this so that it could be traced. It may be that if persons are required to sign and maybe show their farmers’ ID, something of that nature, it might provide an intervention before they make the big leap into taking that substance from which there is no recovery.

Madam President, once you take grammoxone your inside dies. We have seen it with many people, including a former journalist, Mr. Salandy, in this country, who I dare say, after he had taken the substance some years ago, was regretful but by that time there was no hope. I would like to see something done about it in the proposed regulations to which the Minister referred.

There is provision for regulations in the Act and there have been regulations made for registration and licensing. But as far as I know, there have been no clear regulations made for a worker against the risk of poison by controlled products when working in certain conditions. If someone who has the control of toxic substances were to negligently release that substance into the atmosphere, as far as I know, there is no law existing under which that person can be prosecuted. There is a provision under the Environmental Management Act that any person, who through the release or handling of any pollutant or hazardous substance or the arrangement for another person, through any contract and so on, knowingly or recklessly endangers human life or health, commits an offence, but you must “knowingly endanger human life or health, or recklessly do so”, which means that

it would have to be proved that you knew of the risk. There is another offence for a person who knowingly or recklessly conspires to allow an activity in an environmentally sensitive area.

In other words, Madam President, to break it down, there is no provision under our laws where companies—multinationals and individuals—spill hazardous wastes and once it does not affect human life that they can be caught. In other words, only if it is in an environmentally sensitive area and they knowingly or recklessly do it, can they be charged under this EMA Act. Or, if it is proved that they knowingly or recklessly endangered human life.

Madam President, if you kill a lot of fishes, as happened some two years ago—if you remember, there were hundreds of fishes lying off the coast somewhere, I cannot remember where, but I do remember at the time the EMA was interested in knowing whether they could prosecute anyone. At that time I had a look at the Act and the answer was, no, they could not be prosecuted for any criminal offence.

This EMA Act, which must run together with these other Acts, really has little teeth when it comes to criminal prosecution. People can get away with spillages—causing fishes to die and with a lot of other things and, therefore, we need, in the Pesticides and Toxic Chemicals Bill—it would seem to me whether it is by way of regulations or otherwise—to give some teeth. I think that by mere regulations it would not be enough. Usually the penalty for mere regulations is something like a fine or an alternative of so many months imprisonment. That is just an alternative and usually you would get the fine. You have the enforcement problem with having enough persons to go and check out these agencies but you have EMA designated with the function and they do not have the power.

Madam President, right now we have people, whether it is ministry officials or otherwise, who could go in schools the morning before and spray the place and cause children to get sick; we could have people spilling stuff that causes fishes to die and we could eat that and something could happen to us but nothing could be done. All of these amendments are all well and good and I agree with them. There is no problem with amending the Act as we have it. There is a problem with enforcing to protect workers, citizens and children and really looking after the environment. We may have the will—I do not know—to do something insofar as the Pesticides and Toxic Chemicals Act, so we include more and we control there, but what about when people cause deaths and injury? To me, there must be criminal action there. As it stands now, there is nothing we can invoke to protect the citizens.

The other legislation we have are merely regulatory and that is the problem; we are regulating the industry; we are not doing anything when big businesses and people—In this country where we have all this gas and petrochemicals, one would think there would be this rush to control what is happening but surprisingly there is not. It looks to me like we are saying—I would not want to use the word “hell” in this environment, but it might be called “To hell with the environment and let us make money.” But I would not use the word.

Madam President, the point is that we have to be proactive in ensuring the lives, safety and security of our citizens and the way to do it, I think, is to provide criminal sanction for the kind of activities that we have seen in this country for the last three or four years.

Thank you very much, Madam President .

Sen. Dr. Tim Gopeesingh: Madam President, I rise to make my contribution to these two Bills, a Bill to amend the Food and Drugs Act, Chap. 30:01 and a Bill to amend the Pesticides and Toxic Chemicals Act, 1979. Perhaps I may go into a direction that is more medical, in terms of the food and drugs aspect and the parent Act in itself.

The first point I would like to make is that when you look at the parent Act under the laws of the Republic of Trinidad and Tobago—this has probably been brought to the attention of the Minister of Legal Affairs and the Attorney General—and you see a law written in the law books since 1980 and 24 years later this law is still written the same way and there have been no changes to the parent Act. There might have been many amendments over the period of time that may have gone through, but we find it difficult to get the amendments. This is work and research that the law firms and the legal people are finding extremely difficult to find as well. For instance, if they have to go to Chap. 30:01 of the Act—We do not know how many times this Act has been amended and what has been the amendment. It needs a legal person to research that. We could probably go to the library here and try to get it. I would like to recommend as a matter of—

Sen. Jeremie: The Minister of Legal Affairs is on record saying that a consolidation of the laws is planned, it takes some time, but it is going to be done and it is scheduled for completion in less than two years. I know it is difficult, but in the meantime the problem could be solved by using the Consolidated Index, which is produced by the Faculty of Law in Barbados every year. Trying to find the references to the parent Act is difficult for lawyers, so it is doubly so for non-lawyers.

Sen. Dr. T. Gopeesingh: Thank you very much, Mr. Attorney General. Madam President, you see the difficulties with which we are faced. I am speaking about this in particular reference to what is under the First, Second and Third Schedules of the Act. We want to ask the Attorney General whether those two years could be expedited because there is a complaint throughout Trinidad and Tobago that that period is too long. If we have to spend a lot of money looking after people outside of Trinidad and Tobago, giving \$100 million to the CCJ and so on, why can we not spend a few millions and get this Act done as quickly as possible? We could bring some foreign people and let them put it together. We could have it in computerized versions; in disc forms; so that any time there is an amendment it can be changed. I hope both Ministers would take note of this and try to expedite the antiquated thing which is 24 years of age.

Sen. Jeremie: Madam President, there have been two consolidations in our history; one in 1950 and the other 1980; it takes time. I can give the assurance that on behalf of the Minister of Legal Affairs, whose portfolio it is, really, that it will be done in the quickest time possible. I know he is working on it.

Sen. Dr. T. Gopeesingh: We would hold you to that, Mr. Attorney General.

Sen. Jeremie: I gave that commitment on behalf of my colleague. [*Laughter*]

Sen. Dr. T. Gopeesingh: All in the benefit and the interest of the nation and for all legal practitioners and our colleagues in the Senate and the Lower House.

The question on the schedules will go to the technocrats, Mr. Minister of Health. Under the First Schedule in this Act, we have a number of areas of alcoholism going to goitre and venereal disease up to the last, but the classification of these diseases have been changed, so that First Schedule needs to be changed. The Second Schedule also has the British pharmacopoeias, the Canadian formulary and the national formulary. The population is not aware of when the last national formulary was edited. I had been on the national formulary committee for years in my earlier days in medicine and it is a weak thing. I will speak about the committee itself in a little while, which you need, as Minister of Health, to make sure that it is strengthened considerably.

Madam President, we have a national formulary, as you are aware, but when you look for the pharmaceuticals under national formulary in Trinidad and Tobago you would find difficulty because it is old. We have to rely on the British pharmacopoeia and the MMPs of Britain to see what is available in Trinidad and Tobago. We have to use the Barbados national formulary. It is unsatisfactory for

us to have to use somebody else's formulary when we do not know what is ours and we do not know what pharmaceuticals we have available in Trinidad and Tobago. I am sure you are quite aware of that point, Madam President, because you are in the medical profession.

The Third Schedule deals—and this amendment deals with part two—bringing to pseudoephedrine and so on. I am very happy that the hon. Minister took the advice of the former Minister of Health under the UNC administration and sought to change the issues as far as which pharmaceuticals will be used to exclude the decongestions so that the ordinary man-in-the-street could get the decongestions without having to get a prescription. It is very unfortunate, Mr. Minister, that your technical people did not put this to you earlier on. I know you just went in there a year and three months but those mistakes ought not to be made, and then it lapsed in the Lower House.

Madam President: Senator, speak to me please, not directly to the Minister.

Sen. Dr. T. Gopeesingh: Yes, Madam President. Therefore, the question of these pharmaceuticals now being put under the Third Schedule is salutary but a number of these pharmaceuticals under the Third Schedule are ancient and a heap of these could be removed under the Third Schedule. We do not know what has been removed and what has been replaced under the Third Schedule, so we need to educate the population. Therefore, as far as these schedules are concerned they are tremendously outdated and need to be reviewed so that when a bill comes for just a small amendment—I do not think it is wise to make just small amendments without dealing with it in its entirety. This is wasting the Parliament's and our colleagues here time. I would like to recommend that in future when we deal with these types of things that it is dealt with in its entirety; a complete overhaul and a review of the entire Act to make things relevant to today rather than 24 years ago—1980.

The National Drug Advisory Committee is a committee that deals with new pharmaceuticals and we have a whole surfeit of pharmaceuticals being attempted to be brought into the country because India alone has 5,000 pharmaceutical companies and they probably want to sell their products. Now, with globalization we cannot prevent the entry of these pharmaceuticals because we would have to remove our duty and have to free and liberalize the trade. China has a number of pharmaceutical companies as well. What are we going to do with the massive influx of pharmaceuticals that are coming into Trinidad and Tobago? Every day the National Drug Advisory Committee has to deal with hundreds of applications of new pharmaceuticals wanting to be put on the national formulary for use in Government institutions and that is a mammoth task.

The National Drug Advisory Committee has tremendous personnel; they have personnel who are very competent but they do not meet regularly. They should be meeting more regularly so that they can do the backlog of work that has not been done. There are a number of pharmaceuticals that need to be deleted from this list and a number of new ones added. The amount of personnel on the committee—I know they are very competent. I spoke to a few over the weekend and the composition seems to be good. But you have to give them the technical expertise and you have to try to encourage them to meet a little more, but when you have medical professionals on such a committee and the time of medical professionals is so scarce, you have to do something to encourage them to come to get on with the work of the National Formulary Committee. If you meet once a month you cannot deal with the work and, therefore something needs to be done to bring these people together on a more regular basis. The registration of drugs is one of the most important areas with which this National Drug Advisory Committee should be dealing.

When these new pharmaceuticals are introduced they are going to be purchased by the Government that would pay a lower fee for the pharmaceuticals than in the public sector. We have the problem of people complaining throughout Trinidad and Tobago all the time about shortage of drugs and just over the weekend one of the persons in MPATT said the drug shortage at the hospital is the worst ever. Why is it so? I want to draw to the attention of this honourable Senate that in about the mid-1997 the budget for health care was approximately \$650 million and \$85 million out of that was for pharmaceuticals, so that was about 14 per cent of the budget for health. In 2002, \$95 million out of a budget of about \$1.3 billion, so that percentage has dropped. In 2003, \$118 million was spent by Government for pharmaceuticals out of a budget of \$1.5 billion, which is less than 10 per cent. So it fell from 14 per cent to 10 per cent. This year, out of a budget of \$1.86 billion in health, the amount is \$135 million, which is around 7 or 8 per cent.

Madam President, we have to be critically aware that it is real when people make comments about the drug shortages at the hospitals. Out of this \$135 million, \$27 million is for the CDAP for 2004/2005. Madam President, \$108 million is left for pharmaceuticals for all the other medical diseases for which patients have to be treated. When you try to divide that \$108 million into the different Regional Health Authorities—I had that problem when we were in the authority, that after a short while most of the pharmaceuticals are used—the quantity that you were allowed—and therefore the rest of the year you do not

have the pharmaceuticals to give to the population. Something has to be done about the allocation of pharmaceuticals in the national budget for health and we should not fall below 12 to 15 per cent.

Madam President, a needs analysis of the population health system needs to be done in terms of how much pharmaceuticals the country actually needs and this can be done by probably getting data from the—

Sen. D. Montano: Madam President, on a point of order, maybe the Senator can tell us what section of which Bill he is talking about. He is talking about pharmaceuticals which really has nothing to do with the Bills at hand.

Sen. Dr. T. Gopeesingh: Food and drugs, Madam President.

Madam President: I was waiting to see how you were going to tie it up, hon. Senator. I know you are trying to make the point somewhere. I think the best thing would be to try to tie it up to the Bill we are now discussing.

Sen. Dr. T. Gopeesingh: Thank you, Madam President. I am trying to tie it up in the regulations in a number of areas. As we see here, there are up to 52 regulations in the Food and Drugs Act. It is important that we discuss drugs in that context because this is what we are discussing here; the pseudo-ephedrine and the other ephedrine and, therefore, when we talk about these things, we have to do it in the context of the other pharmaceuticals, but I have made my point and I will move away from it.

Madam President, in terms of the monitoring and evaluations under the question of regulation, we have a number of pharmacies in Trinidad, 210 or 218. We are supposed to be monitoring these according to the regulations under the Food and Drugs Act. I do not think we do any monitoring of the pharmacies to see whether the prescriptions are filled out properly, whether they keep their prescriptions for two years; whether they are in conformity, the labelling of the prescriptions. So the question on monitoring and evaluation is very weak as far as the Food and Drugs Act is concerned and the regulations are concerned and much more personnel needs to be put into that and to be paid properly so that we will have a pharmaceutical industry in Trinidad and Tobago which would be well ordered and taken care of so that people would not have problems from complications of one pharmaceutical interacting with another pharmaceutical.

4.00 p.m.

The question of generic drugs coming into Trinidad and Tobago. Generic drugs are cheaper than the innovative drugs. But they are not as efficacious, and

Pesticides and Toxic Bill
[SEN. DR. GOPEESINGH]

Tuesday, December 07, 2004

many times we bring generic drugs into Trinidad and Tobago to treat hypertension, diabetes, even the pseudoephedrine and so forth, and you would find that these patients are taking pharmaceuticals and they are not getting better.

Sen. D. Montano: Madam President, with the greatest of respect, we are back again on pharmaceuticals and these Bills have nothing to do with pharmaceuticals.

Madam President: Senator, it is a narrow line here. I really need you to come back to the pesticides and to the controlled drugs that the Minister has brought in this Bill. There is a thin line and I think you have gone across a bit.

Sen. Dr. T. Gopeesingh: Madam President, if the hon. Minister has difficulty in listening to me all the time—it seems as though he has difficulty listening to me. I have read his comments in my absence but I would not go there today. It seems he has difficulty with me and I will prefer not to go into that now.

But to come back to what we are dealing with in the Parliament, if I am talking about pharmaceuticals, I am sorry if the hon. Senator does not know the similarity between pharmaceuticals and drugs. People do say drugs when they talk about cocaine, and when they talk about heroin they talk about drugs. I prefer, as a medical practitioner, to talk about drugs as pharmaceuticals. If that is outside the scope, capability and mental ability of the Minister, I am sorry.

Madam President: There is no need to be insulting to anybody in the Senate. I am asking you to stay over the line. I understand when you say pharmaceuticals, but we are not talking here about medication to treat certain medical conditions and so forth. We are talking about these particular drugs.

Sen. Dr. T. Gopeesingh: I got the message and I will refer to what I am saying as drugs.

When we speak about generic drugs, we are speaking about a number of drugs coming into Trinidad and Tobago, and these drugs end up under Schedule 3 of the Food and Drugs Act and, therefore, we need to examine what types of generic drugs are coming into Trinidad and Tobago. We do not have the monitoring and evaluation system to really take care of that.

Madam President, you are fully aware that there are many of these drugs that we cannot give to our patients so we need to critically analyze what we are letting in and what we are not letting in. So the bioequivalence of these generic drugs are not as good as the innovative drugs and, therefore, we may want to use a cheaper drug but it might not be efficacious—and these are all under Schedule 3 of the Food and Drugs Act.

My colleague, Sen. Augustus, spoke about the Chemistry, Food and Drugs Division or Food and Drugs Inspectorate. That building is very derelict. There are no machines and equipment for proper analysis of any drug, whether it is a generic, whether it is an original drug or an innovative drug. There is no proper system and equipment—

Sen. D. Montano: Madam President, with the greatest of respect, the Member is nowhere near the Bill. To remove the terminology from pharmaceuticals to drugs does not solve the issue. There is a list of specific drugs that the Bills deal with. It is not what he is talking about at all.

Madam President: Senator, the Member is now referring to the drugs on food administration which was already referred to by another Senator and I did allow it and, therefore, I will have to allow it and listen to see where the Senator is going.

Sen. Dr. T. Goopeesingh: Thank you, Madam President. In the Minister's opening remarks he talked about the Food and Drugs Inspectorate. I am having difficulty with my colleague but I will proceed.

As far as food is concerned in relation to the Chemistry, Food and Drugs Inspectorate, when food is seized from particular businesses by inspectors, that is under the regulations, we do not know how the food is seized, how they are parcelled; whether they are parcelled in twos, threes and one is left with the people from whom the food is seized and how long they take to analyze it and what is the method of analysis and whether the analysis is correct or not because of the weakness at the Chemistry, Food and Drugs Inspectorate. We are not talking about drugs now but about food, so both come together, food and drugs. The analysis of both drugs and food is extremely weak because of the deficiencies at the Chemistry, Food and Drugs Inspectorate.

The other point is, drugs are being used in private hospitals; Schedule 3 drugs, Schedule 2, and Schedule 1 drugs are used in private nursing homes. I ask the hon. Minister of Health, whether there is a private hospitals board working at the moment, whether that board has been appointed and whether it is functioning. If that board is functioning, what role does it have in determining the allocations and the use of drugs, whether in sections 1, 2 or 3 of the Food and Drugs Act in these private institutions? It reminds me of people who die in private nursing homes and we have examples of this and, therefore, if that private hospital board is functioning properly all these issues of the use of drugs, narcotics and so forth, which can cause death because of depression, which happens regularly, ought to be looked at very carefully.

Part of the Food and Drugs Act in terms of the regulations, is the monitoring and so forth of these drugs that are being used in private institutions and, therefore, we need to see an active private hospital board working very well and hard, to determine what is happening in these institutions.

Antibiotics and narcotics. This is under Schedule 3 of the Food and Drugs Act. There is no monitoring of these drugs nationally. You are supposed to write prescriptions for these antibiotics—many people are receiving antibiotics and they are using third-generation antibiotics rather than first generation antibiotics and developing resistance to these antibiotics and making the health system in Trinidad and Tobago worse. So as a result, there is need for some more careful monitoring of these types of drugs under these Schedules under the Food and Drugs Act, particularly in narcotics and antibiotics, and monitoring of the prescriptions that are written for them.

Then there is the question of herbs, very, very important. One sees on a daily basis a massive influx of herbs coming into the country and advertisements in the newspapers or on the radio talking about herbs as drugs which help to improve potency, infertility and fibroids and all these things. Where is the monitoring, where is the analysis as under the regulations of the Food and Drugs Act? I am sticking to my point. I am sticking to the Food and Drugs Act.

Madam President: Go back to the Act.

Sen. Dr. T. Gopeesingh: Where are we in terms of the importation of herbs? We are not against the small man setting up a business. That is nice, but it must be regulated and controlled and the labelling of these must have the ingredients on them. I feel pained about it because I have seen enough deaths in hospitals and in private institutions and we are aware of it as well, where persons have used these herbs for laxatives and they have developed massive colitis and have died from bleeding. They have used these herbs for other reasons and they have developed mesenteric embolization which is clotting of the blood system for the bowel and have lost their entire bowel and died. And it is happening with great frequency, almost on a daily basis. These herbs act against clotting factors in the blood. If the patient has surgery the patient dies as a result of non-clotting. So these are important issues to deal with in the context of the Food and Drugs Act.

I want to speak a little about food, and food will probably involve soft drinks. There is a thriving soft drink industry in Trinidad and Tobago; fine, for the businessmen.

Madam President, I think the hon. Minister needs to be educated on the whole question of health and food because it is food and drugs we are talking about. The point I am making about food has to deal with healthy lifestyles and this is important under the Food and Drugs Act. The dos and don'ts about food. I know you are finding it confusing but just search your mind a bit.

Madam President: I know, but I do not think we are talking about food today.

Sen. Dr. T. Gopeesingh: Am I not permitted to speak about food or soft drink as a food? It is the Food and Drugs Act we are speaking about.

Madam President: Continue Senator, I am listening. I will tell you when I do not agree.

Sen. Dr. T. Gopeesingh: Madam President, the whole question of obesity, hypertension and diabetes and an unhealthy population all relate to the type of food that we eat and drink, and if a soft drink which by the sugar industry has given subsidization to the soft drink manufacturers, and each soft drink has about 450 calories—the 16 ounces, and this is one of the main contributory factors to obesity that we are experiencing and the diabetes, hypertension and heart disease, and I just want to ask your permission to read something from the World Health Organization 2002 for the education of my colleagues, as far as obesity is concerned.

“...there are more than one billion adults worldwide who are overweight and at least 300 million who are clinically obese. Among these, about half a million people in North America and Western Europe combined will have died this year from obesity-related diseases.”

Madam President: Senator, I know you want to make a point but really we are talking of specific drugs. We are talking here of ephedrine, we are talking of pseudoephedrine, of metholphedrine, which are precursors to making illicit drugs. I would really like you to come back to this.

Sen. Dr. T. Gopeesingh: Madam President, the Minister referred to the Food and Drugs Act which deals with the preparation, manufacture, import, export, packaging, labelling, selling and inspection of food and drugs. So I am talking about the manufacture of food which means soft drinks as well.

Madam President: We are not dealing with the entire Bill. We are talking of an amendment to a certain part. I know what you are talking about is very interesting and very relevant but obesity, Senator.

Sen. Dr. T. Gopeesingh: Madam President, do we not look at the nutritional state of the country? We are looking at hundreds of children who are becoming overweight and it is contributing to disease, diabetes and there is a high percentage of obesity in Trinidad and Tobago. I am talking about the food that we eat and the soft drinks that we drink so if we sell one million bottles of soft drink every day in Trinidad and Tobago, do you know how much it is contributing to the obesity and the diabetic situations?

Would you permit me to talk about alcohol in the context of this, the United Nations Convention on the control of tobacco? Trinidad and Tobago is a signatory to the World Health Organization Convention on the control of tobacco but there are many important pieces of legislation to be put in place and people are dying as a result of, not the primary necessarily, but the secondary smoke.

The Trinidad and Tobago Cancer Society has been lobbying a long time to make sure that regulations are in place that will control the use of tobacco which is a drug in the State. Yes, we compliment the Government for signing on the tobacco control. Because if we want to speak about being a developed country, we need to see legislation brought in as quickly as possible to control where one can smoke and where one cannot smoke because it is endangering the lives of all of us when we go into areas where there is secondary smoke. So we want to see some degree of legislation brought in as quickly as possible. It might not have to be waiting for the 40 countries that have to sign the Convention before you make your legislation. There are certain legislative matters that could be brought and done with before and we would like this Government to take the advice to bring in—I understand the 40 countries have since signed. Can I speak about the fast food?

Madam President, I am talking about the food aspect of it. I am talking about a chemical called sodium chloride (salt); I am talking about sugar. We have a thriving fast food industry in Trinidad and Tobago, very good for the entrepreneurs, very good for all of those who are in the fast food industry. But the food and drug administration of Great Britain has brought in regulations now that are dealing with advertisements in terms of what foods should be advertised on the national television, when it should be advertised. Between 6.00 p.m. and 9.00 p.m. they do not want to advertise fast food because 70 per cent of children view the television between 6.00 p.m. and 9.00 p.m. in the evening and, therefore, the British system has now gone further to begin to legislate on the fast food industry.

My simple point is, we should look very carefully when one fast food company sells over \$1 billion in fast foods per year in Trinidad. Their audited accounts for one company for quarter year is almost a quarter billion and there are many more than one large fast food company in Trinidad.

Hon. Rahael: Name the company.

Sen. Dr. T. Gopeesingh: Prestige Holdings. So we have at least \$2 billion being sold in fast foods annually in Trinidad and Tobago, and do you know what impact that is creating on the health sector? You have things that are being sold with polyunsaturated oils and oils that are not healthy, and this is why we are getting the obesity, diabetes, hypertension and the heart disease and the strokes. So the amount of money that we are spending, \$1.86 billion dollars is possibly predicated because it is possibly determined because of the type of food we eat. There are many single mothers in Trinidad and Tobago, about 60 per cent, and their children eat a lot of fast food and we need to look at the nutrition side of it, so the labelling ought to be very critical. What are the components of it? These are the regulations under the Food and Drugs Act in terms of labelling so the labelling of these fast foods need to be very carefully determined and put into motion. These are some of the points and advice that we have for the Minister of Consumer Affairs and Minister of Health in terms of where we are, in terms of the laws relating to food and drugs.

I have tried to elucidate to the Members of this Senate some of the issues under the three Schedules and some of the main concerns as far as food is concerned and my colleagues raised the question of food in the context of the flooding that is taking place and the question of toxicides and pesticides in terms of the flooding taking place.

Sen. B. Ali raised the question about maleate and Sen. Seetahal raised the question of grammoxone. Grammoxone or whatever it is called, we should legislate carefully in terms of the ability to obtain this very easily and readily—particularly in the case of young people or young lovers who have quarrels. You have seen enough suicides being committed by these young children because the grammoxone is easily available.

My colleague spoke about the question of spraying of agricultural produce by chemicals which destroy pests and if people do not wash these produce properly they can be contaminated. So we need to see the legislation that governs the whole control of these things in agricultural shops. One of my colleagues was just telling me a while ago that there are certain products like—I forgot the name

of the chemical—but it was brought into Trinidad under a different type of labelling.

Sen. D. Montano: Madam President, I would just like to make the observation that the Senator has gone from being moderately irrelevant to completely irrelevant. We will let him go to 4.30 p.m.

Madam President: Thank you, Senator. I have noticed.

Sen. Dr. T. Gopeesingh: I think the hon. Senator is trying to get me into making some rude remarks. I am disciplined. In medicine you have to be disciplined, you know or else—I was speaking about the use of toxic chemicals for agricultural produce which can be dangerous to people's lives. What is irrelevant about that? So I would not want to make my colleague angrier than he is at the moment. It seems as though my presence alone makes him angry but I would not get angry with my colleague. We have an honourable Senate here and we will work with that and so I will conclude for the benefit of the Senator by reading a part from the WHO—this is very important:

“Reducing risks to health is the responsibility of governments—but not only of governments. It rightly remains a vital preoccupation of all people, in all populations, and of all those who serve them.”

So what we are talking about today is legislation on food and drugs and, it is essentially the health of the population that we are speaking about. We are not speaking about food and drugs and toxic pesticides and so on, in the context of the population. How can we separate these things away from the health of the population? What are toxic chemicals and pesticides going to do? Not kill animals or kill human beings. When we talk about food, are we not talking about nutrition and how human beings move themselves? This is what we are doing. My point is that we are creating legislation but it is very small. You should not be bringing just a small piece of legislation on this because if you were bringing a proper piece of legislation you would do it in a large context, so this is something that is extremely weak. Do not come and amend something, just four points, and leave the rest of it that are very difficult. The WHO Secretary General said:

“Legislation enables risks to health to be reduced in the workplace and on the roads, whether through the wearing of a safety helmet in a factory or a seat belt in a car.”

All this is legislation on health. Food and drugs is legislation for health.

“Sometimes laws, education and persuasion combine to diminish risks, as with health warnings on cigarette packets, bans on tobacco advertising and restrictions on the sale of alcohol.”

I have not even touched alcohol and the breathalyzer. Alcohol is C₂H₅OH. It is a chemical, it is a drug. It is like a chemical. It was used to prevent child birth long ago, to slow down labour. All of this is in the schedule of drugs. We have to ask: When is the breathalyzer coming? They have had three years. This is another question I have to ask.

Madam President, we on this side of the Senate are asking these questions on the Food and Drugs Act, and the Pesticides and Toxic Chemicals Act in the context of a nation that has to become healthy, in the context of not only human beings but in the context of the veterinary type of medicine that is being practised and the type of laws which govern our situations in Trinidad and Tobago. I have raised a number of points in the labelling, the evaluation, the whole question of governance; where you are going to do analysis, and how much analysis you are going to do. The personnel you have to do the monitoring and valuation and a number of concerns that the population have in terms of the inspectors and what they do. Are they well-trained or not?

Finally, it is all well and good to have brought this legislation about the pseudoephedrine and so forth, in terms of ensuring that there is no abuse, in terms of the manufacture of heroin, and crack and so on but, we also have to think about the health of the population in terms of other pharmaceuticals and the drugs and the food that we use.

If the Minister of Consumer Affairs and Legal Affairs does not want to take his job responsibly and he thinks it is a joke, let him think it is a joke, we will move them out when the time comes. [*Desk thumping*]

Madam President: Hon. Senator, I have been very lenient. I think at this time we will take the suspension for tea. The Senate is now suspended for tea. We will return at 5.00 p.m. and continue the debate.

4.28 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Brother Noble S. A. Khan: Thank you, Madam President. I mentioned before that very often we have bills brought to us that may just have one or two pages, but which have far-reaching effects. These two Bills, the Pesticides and Toxic Chemicals (Amdt.) (No. 2) Bill and the Food and Drugs (Amdt.) Bill both

fall within that sort of ambit. One deals with the manufacture of illicit drugs and the other relates to pesticides and toxic chemicals.

The hon. Minister, for whom I have great admiration and respect, has moved silently and effectively in certain areas. We have seen him go from agriculture to health. In his opening remarks, he mentioned that the aspirations of these Bills are to strengthen the regulatory framework and to provide control in certain drug areas and pull the legislation together.

In my short contribution, I would share with the Senate certain questions which have arisen within my mind, to which I would expect some response with respect to the manufacture of illicit drugs. I remember some years ago being in company with someone with formal training in the areas of chemistry, biology and plant life. We were in the forest and I asked if there were coca leaves in our country from which the “white lady” is manufactured, that is another drug that comes from across the sea. He said it is in Trinidad and Tobago.

When we saw on the newspapers just a few days ago the mass that the police have been able to uncover, my mind reflected. I remember, too, in the manufacture of this drug, that kerosene—I do not know if elements for which control has been mentioned fall among those. Definitely in my own limited way in enquiring and in ordinary reading, we found that kerosene is used in the manufacture of this particular illicit drug.

On the question of the herb as some would call it, from the very early days that has been in our country. I remember my mother telling me that marijuana grew around the place and that people would use it for other purposes. It is prevalent now. Also the one that comes out of it is very prevalent and forms the base for heroin. That too was very prevalent in our city many years ago. I understand that there may be laws that allow for the use of these in limited quantities. I do not know if these laws still exist, but they form part of our tapestry, so to speak—these two major drugs, the marijuana and the other one which forms the base for heroin.

As a little boy, I remember getting a description of what the fields look like. I particularly make mention of this because of my earlier comment that the coca was here and the question of the poppy. As far as your eyes could see, when they are blooming, they are red and green and, in the morning with a little instrument like a razor blade, the poppy bud will be scratched, when it is still green, but full, and a white liquid would come out of it. In the evening, this would be collected and that forms the opium base. It is very easy to grow in our country.

Coca is here, I have been told. We know that marijuana is all over the place. Sometime ago, there were raids in the eastern part of the country, when police were using their helicopters, et cetera, to destroy marijuana fields. Today, we have hardly any mention of these raids being made. The question I had raised at the time was: When they destroyed the fields in the east or the fields were reduced, what is the supply here in the west? They said it was no problem; they would bring it in from across the sea. This is a part of the scenario in our country.

I do not know the extent to which these laws would have an effect on these systems. One would expect that within certain areas there would be an element of control for which I strongly support the Bills before us. Definitely, these are some of the things that occupy my mind and also which I think will occupy the mind of anyone in our country who has the welfare of our people at heart.

Someone raised earlier the question of the holistic approach. I was happy to hear the Minister mention pulling the Acts together. This is a little note I had taken while he was making his very valued presentation. Everybody in this story has gone to the great beyond. It was in the eastern area of Trinidad and Tobago where a former, very senior officer had entered this house, which was the home of a person who was growing marijuana. This was the conversation which came back to me at that time. He said, "Well boss, you see how ah living now". The place was well put together. He said, "Ah cyar go back, you know." The officer just turned back and left. This is the area in which we are operating. How will we deal with it? From my understanding, it has expanded.

We are thinking here about an invisible trade that has quite a substantial amount of money circulating. To my mind, when we are dealing with the manufacture of illicit drugs, even from what we saw on the newspapers the other day, the sophistication is very high. The goods are neatly packaged. I take it that good marketing skills go into this. In terms of the quantity—we have 1.3 million people in our country; I doubt that we have a drug consuming population to really deal with that amount so that there may be more than one reason why this is in our country. It is possible that we are a transshipment point.

We are happy that the police were able to catch up with this, but one would definitely think in terms of how much more may have escaped and our country is supposed to be a little step ahead in that. Of course, we occupied a very important position in our country because of the strategic importance for shipment and transshipment. These are some of the things that come to mind on what is before us.

It may be that the Bill deals with specifics and one may just want to deal with that, but when the opportunity presents itself, bringing what I am trying to share to our attention would help and have an effect on what is taking place outside. Perhaps what I am talking about may be well known to others and it should be to those upon whom the responsibility rests.

This is another important aspect when we think in terms of these pesticides and toxic chemicals—the elements to which these things are foisted upon us in a legal way. On the question of these toxic chemicals, my mind runs to the dump in Beetham and to the housing complex. Some of us knew it before, like myself—I do not live too far from the Beetham housing estate; it is just a few metres away. Someone who lives very close to me said it affects us too, and we think in terms of the lead and the breeze blowing across. Here we had bad planning. Some of us may not know, but there are sewer lines running beneath the Beetham houses, and I do not think planning permission allows that. That must have an effect on generations to come and the people who were born there and grew there. I am not dealing here with the social problems, which will be something else. I am dealing here with the question of pesticides and toxic chemicals, which this Bill seeks to address. As the Minister mentioned, there is the question of pulling the things together.

Our colleague, Sen. Basharat Ali, raised the question of the Bhopal incident that took place some 20 years ago, which was a great lesson to us. A few years before that I came into contact with a person who used to be the chief accountant of one of the atomic energy places in America. He was in Trinidad and he was giving us some training and the question he proposed, from an accounting point of view, was the disposal of atomic waste. We are talking about toxic waste which has a relevance to ourselves here. We know there is a dump somewhere in Gasparillo and even here in Port of Spain there are many things that find themselves in the dump. He explained the length of time they take, and many of us come into contact when we even look at the plastics which are toxic and based on chemicals. We boast here in Trinidad and Tobago of producing the base for these toxicities. We are supposed to be a high exporter of these things. One wonders the extent to which these pieces of legislation address those questions.

Of course, we have heard about the Occupational Safety and Health Act. There is need to bring that to bear. We are virtually sitting on a keg when we think in terms of Point Lisas and these toxic chemicals and to some extent the pesticides. Laventille used to have a good herd of milking goats. I used to “mind” some too and they would take me into Beetham and beyond to get grass. I would

come into contact with farmers and the question of how they use the pesticides and fertilizers. There is even need for control in these areas. Sometimes you hear them talk about making a cocktail. They mix a whole set of these chemicals and put them in their place. The Bill is supposed to address some of these things, as far as the soil and plants are concerned, which they sell in the market which is not too far.

Very often we find, in presenting documents like the ones before us—and they might be good documents—the question of implementation comes to mind and even beyond that, monitoring. We are now going into new areas that are important. The question of having our own people sufficiently trained and motivated would also arise. Though it may not find itself within the ambit of the law—but law in itself deals with social interaction and by far transcends what may be here. Obviously, the better approach is how we ourselves think and our approach to it.

Alcohol is a drug without doubt and it is one of the legal drugs. I do not know if I can speak about it, because the Bill says “illicit drugs”. I understand from colleagues in the medical profession—and though I pay some kudos to our present Minister of Health, I must confess that a former Minister of Health who is with us now is by far someone for whom I have the greatest respect in my own way as a person who was aware of what was taking place at the time. I would not feel good if I did not mention alcohol which is far more destructive than what we know of the illicit drugs—marijuana, cocaine, opium, heroin, the happy drug, and the “datoor”.

We heard cigarettes mentioned. There was some linkage by previous speakers of alcohol and the breathalyzer and things like that. In the past you would find certain sectors in the society, especially the economic lower end—it was so easy to have alcohol spread among us in the lower areas like the cane areas of poor workers. How can we address that? I know the use of alcohol still persists and is still looked on with glamour. If we think further down, this is one to which we will have to pay particular attention.

I can understand the problem of frustration by the Minister and other ministers in other areas, but there is a great responsibility. Whose is the responsibility? These are questions we will all have to take within ourselves and rationalize. It gives rise to the question of who is to answer for the sufferings and how much of what is before us we can really address.

Without further burdening everyone here, I share those thoughts on the question of lead and gas. I know we have made some approaches to that. Again,

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this is a question of toxic chemicals. One wonders if this was not the spin-off of not having the proper approach of taking command of a situation and pushing it through. You do not get that feeling that even with these two laws before us there is a high motivation of doing something to push the country forward. I get the feeling sometimes that this being ruled up, the international connection, the global linkages and even the international connections and conventions that we enter, one wonders the extent to which we are following through with these as far as the same area, which has an implication for the environment.

So, Madam President, I think I have said what is on my mind and I thank you for allowing me these few moments to share with you.

Thank you and may God bless this Senate.

Sen. Sadiq Baksh: Madam President, I join the debate on the Pesticides and Toxic Chemicals (Amdt.) (No.2) Bill and the Food and Drugs (Amdt.) (No. 2) Bill. At the outset I would like to say we support both the amendments and we recognize the importance of the Government satisfying the international requirement in terms of the international convention.

We also recognize the outstanding work and contribution of the director and officers of the Food and Drugs Department under extremely trying circumstances, based on their physical location, and it might be opportune to have the Minister of Works and Transport here where he can look at taking the appropriate action to improve the infrastructure that houses that particular department.

In terms of providing the support for these amendments, we believe that satisfying the international convention is an important requirement, but protecting the citizens of Trinidad and Tobago is even more important. We should have gone further. Having satisfied the international requirement, we should begin to look—and I expect and we would have been more pleased if the Minister had taken the necessary steps to protect citizens, both users and non-users of these potentially dangerous chemicals, both in terms of the manufacture of chemicals and also in terms of the usage of pesticides by farmers and the long-term effect on non-users in terms of citizens, either by their intake of the produce of these particular vegetables and fruits or by the spillover based on flooding that continues to recur in Trinidad and Tobago.

Madam President, we would have been even more pleased had the Minister looked at the industrial users of these chemicals, to be very specific, in terms of the possibility of the long-term harmful effect on residents close by the site used to manufacture the chemicals and the by-products and derivatives of other

petroleum-based products and chemical-based industries specifically in the Pointe-a-Pierre region.

Recently, we had the emission of chemicals from the refinery that could prove to be disastrous. Although in the short term and in the immediate we have not seen any side effect of those occurrences, we do not know the harmful effects in the future.

Madam President, in Point Lisas, there is another area that is prone to ammonia leakage and it is potentially an area in which toxic chemicals continue to be present. We are not sure in what proportion. Those are the areas in which we would have thought that the Minister would have taken the opportunity to bring those measures that would improve the quality of life of the citizens of Trinidad and Tobago.

In Point Fortin, with the proposed ethylene plant for the possible manufacture of low, linear low and high-density polyethylene, those are issues we need to look at long before the introduction of those plants. We now have LNG and other chemical-based plants proposed for the future. This was an ideal opportunity to start to prepare for the future. We cannot expect one day in 2020 to wake up and find all these things in place. We need to set a systematic road map to achieve those goals with certain deliverables and certain benchmarks. We would only be too happy to support measures that would ensure that we put in place all the regulations and we also provide training for the inspectors and for staff of the registry. These would not be like other institutions in Trinidad and Tobago where you can expect it to be set up, it does not function, and 20 years later we cry about the things that did not happen.

Madam President, there are many other things I would have loved to say, but I know the time and I know what has already been said. With these few words, I thank you.

The Minister of Health (Hon. John Rahael): Madam President, let me first thank all the Senators who have contributed to the two amendment Bills. I would like to thank Sen. Roy Augustus for his contribution and maybe I would start off there by indicating some of the matters that were raised by the hon. Senator and see if I could address some of them.

The Senator talked about the PTCC board and whether or not it would be accountable to the Joint Select Committee of Parliament. Under section 66A(1) and (2) of the Constitution, a Joint Select Committee can enquire and report to Parliament in respect of government ministries and the PTCC board will fall under

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the portfolio of the Ministry of Health. In fact, the JSC can enquire into any aspect of the portfolio assigned to the Minister of Health. I thought I would apprise you of that.

The other point that was made was the whole question of pesticides and chemicals within the agricultural sector and what is being done to control the type of pesticides and chemicals that are being used in agriculture.

First of all, let me say that the Food and Drugs Division, the Ministry of Agriculture, Land and Marine Resources and the Ministry of Health work very closely to ensure that the right type of pesticides and chemicals are used. I know that the Ministry of Agriculture, Land and Marine Resources has continuous programmes for training and educating farmers. On a monthly basis there are a number of programmes under the Ministry of Agriculture, Land and Marine Resources, in-house and on the farm itself, where training and the whole question of the type of pesticides and chemicals that should be used and how they are dealt with. That is an ongoing exercise within the Ministry of Agriculture, Land and Marine Resources. I am confident that together we would continue to ensure that the right amounts are being used. As was rightly pointed out, food is the most critical area in our lives.

5.30 p.m.

The other very important point was the whole question of laboratories, particularly the one located at No. 115 Frederick Street. The Ministry of Health, together with CAREC, is undergoing a complete exercise with respect to the question of laboratories in Trinidad and Tobago. Presently, we do not have one laboratory that will be able to provide the kind of service that is required. We are now looking at putting together all these laboratories under one head office: the National Public Health Laboratory, the Government Chemist Laboratory, the Insect Vector Control Division, the National Surveillance Unit and the Queen's Park Counselling Centre where we would be testing STDs. While that is happening, we are also looking for a site, on a temporary basis, to relocate the laboratory at No. 115 Frederick Street. Work is being done with respect to that.

There was the question of the private hospital boards, which was raised by one or two Senators. Cabinet is giving consideration to the membership of that board. Very soon, we will have that in place.

With respect to actions taken by the Government to address the illicit drug trade, which was referred to by Sen. Augustus, in August, Cabinet had appointed

a multi-sectoral task force to develop a comprehensive Act to address all issues concerning precursor chemicals. The committee is expected to report to Cabinet by February 2005. This will be a very comprehensive multi-sectoral task force which will come up with all the necessary recommendations.

With respect to the amendment that Sen. Ali raised; that the industrial inspection supervisor should be replaced by the Executive Director, Occupational Safety and Health, the OSH Act has not yet been proclaimed. Therefore, in law, that person does not exist. The position itself does not exist in law.

Sen. Ali: I know that position does not exist in law, but you put it there and the Act is proclaimed then you do not have to go back. In the interim, you have the facility to appoint an alternate. The alternate could be the industrial inspection supervisor. That is my view.

Hon. J. Rahael: I thank you for your view, but unfortunately, in law, it just cannot be done. That is what I am advised. With respect to that amendment, I am sorry we would not be able to accommodate the proposal.

With respect to the question of regulations, they are going to be all encompassing. Within three months, we will be able to lay the regulations and have them published. These regulations will deal with all the issues that many Senators have raised. Of course, we will be able to have the benefit of your contribution from *Hansard* so that we would ensure that we take on board all the concerns that have been raised.

Sen. Ali referred to Briko and the spraying that was done. That was very unfortunate. I am aware that Briko has been spraying Caroni (1975) Limited's lands for many years, maybe 15—20 years. Unfortunately, they did not take into account the regulations with respect to the strength of the breeze. That is something I am sure my colleague, the Minister of Agriculture, Land and Marine Resources, has already addressed with them. Thank God nothing serious occurred with respect to those who suffered.

Sen. Dr. Gopeesingh, while I thank you for your contribution, I think it is important that whenever we make our contributions in this Senate we try to be as accurate as possible and not put into the record anything that can be misleading. The Senator talked about pharmaceuticals and the value of pharmaceuticals and that, the per cent is going down. He said less money is being allocated for pharmaceuticals and the health sector. The record speaks for itself. This budget is the highest, in terms of dollars. The highest percentage has been allocated to the Ministry of Health. The sum of 2.5 per cent has been allocated to health. It is not

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just dollars, but also in terms of percentage. I would also like to read into the record the pharmaceutical supplies—

Sen. Dr. Gopeesingh: When the Minister is saying that we mislead or misrepresent the Senate, my point was that the amount of money spent on pharmaceuticals as a percentage of the budget of health—out of a budget of \$1.86 billion for health, \$135 million was allocated to pharmaceuticals. I was comparing that with \$85 million in 1997, out of a budget of \$600 million.

Hon. J. Rahael: That is the point I was making. [*Interruption*] I talked about the percentage, the contribution of GDP to health and the dollar value. I do not know where the Senator got his figures from. I have documented records, which I will make available to Sen. King. Hon. Senators would remember, on the last occasion I was in this Senate, I gave a commitment that I would provide the information for the Senator. I walked with this package and that is how I happen to have it.

With respect to pharmaceutical supplies—I am not going to refer to what was awarded—it is what is received that is important. While the dollar value of what was awarded is available, what is more critical is the dollar value of what was received. This is provided by Nipdec, which is the Government agency that procures the pharmaceuticals to the Government of Trinidad and Tobago. I will take you back to 1998—1999. You have this document to show that in 1998—1999, \$44 million worth of pharmaceuticals were received by Nipdec; 1999—2000, \$50 million; 2000—2001, \$57 million; 2001—2002, \$59 million; 2002—2003, \$63 million and 2003—2004, \$79 million. For the past five years, the figures clearly indicate, while there have been increases, the most substantial increase took place between 2002—2004. From 1999—2004, the figure almost doubled from \$44 million to \$79 million.

Sen. Dr. Gopeesingh: Madam President, on a matter of clarification, is the Minister telling us that is the amount of money paid by Nipdec for the purchase of pharmaceuticals, or is this what the Government bought in pharmaceuticals? I was told over the weekend, by the same Mr. Nicholas George that in 2002, \$95 million was the budget for drugs.

Hon. J. Rahael: Madam President, again—

[*Sen. Dr. Gopeesingh stands*]

Madam President: Minister, please, just one second. Senator you can ask a quick question but you cannot take too much time. You already made your contribution. Please continue.

Hon. J. Rahael: I already gave way on two occasions. This is what was received. The budget for 2002 was \$98 million and 2003, \$75 million. What good is the budget? What is important is what is received and what is distributed to the public health sector. That is the information I prefer to give. *[Interruption]* Again, this is not unusual. From 1998—2003, for whatever reason, the pharmaceutical companies may not have delivered, the fact of the matter is that there has always been funding for pharmaceuticals in the public health sector. In 2003—2004, the figure almost doubled from that of 1999. The documents are here. I am not fabricating these figures. It goes on to tell you the individual companies that have been receiving all the contracts over the past years, from 1998—2004. That is the information I have provided for the Senator. You will see basically, from 1988 the top five suppliers were Smith Robertson and Company, Agostini Pharmaceuticals, Oscar Francois, PI Caribbean Limited and A. S. Bryden. It has been constant since that time. They are the major players. There is a breakdown of every company from which pharmaceuticals have been purchased. They are listed in the document which I am making available.

We must be very careful with respect to the information we provide this honourable Senate. That is the point I would like to make over and over again.

Sen. Dr. Gopeesingh: Madam President—

Hon. J. Rahael: I am not giving way.

Madam President: If the Minister does not give way, then I cannot do anything.

Hon. J. Rahael: I gave way twice.

Sen. Dr. Gopeesingh: He is implying improper motives. He is saying that we are misleading the Senate.

Hon. J. Rahael: I said that Senators should not come to this honourable Senate without getting factual and correct information.

Sen. Dr. Gopeesingh: You did not say that. You were implying improper motives.

Hon. J. Rahael: Please make this available to Sen. King.

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Madam President, another point that was raised was with respect to the drug formula. The Ministry, together with PAHO, is in the process of reviewing the drug formula, as we speak. I am sure Sen. Dr. Gopeesingh will recall that there was a review done for food and drugs in 1999. We are now looking at reviewing and updating that whole food and drugs exercise, with respect to the formula for drugs. We are doing that in the context of the free trade movement and globalization. While all of that is taking place, we continue to ensure that all the pharmacies in Trinidad and Tobago are monitored. We have inspectors who go out, together with the Drug Inspectorate Division, to monitor the sale of antibiotics. This is done on a frequent basis. Whenever breaches occur, they are reported to the council and the pharmacy board that takes disciplinary action against the pharmacists and the staff of the pharmacy. The Ministry of Health also ensures that the necessary letters and warnings are sent out and corrective action is taken. I am happy to report that the breaches are very few.

While we need to do a lot more, we need to start. Senators must also appreciate that sometimes we cannot wait for the entire and comprehensive amendments to be made. We need to be able to do what we can, when we can. While I acknowledge the fact that much more needs to be done in many areas, the fact of the matter is that things are happening. We will continue to ensure that we look after the safety of our citizens and ensure that they are provided with the right service from all our institutions.

May I also take this opportunity to advise Senators that we will have some minor amendments at the committee stage, which have already been circulated.

Madam President, with these few words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Sen. Dr. Gopeesingh: I would like to make a suggestion. After “temporary incapacitation or permanent harm to human or animals”, I would like to introduce “and/or”.

Madam Chairman: Where is that?

Sen. Dr. Gopeesingh: Sorry, I am on clause 4.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Dr. Gopeesingh: I would like to suggest “and/or”.

Mr. Rahael: There is no need for that change.

Sen. Dr. Gopeesingh: It could affect humans and not animals, or it could affect animals and not affect humans.

Sen. Jeremie: The Interpretation Act has that. I cannot recall the exact section.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Rahael: Madam Chairman, I beg to move that clause 5 be amended as follows:

- A. Insert after paragraph (a)(i) the following two sub-paragraphs:
 - “(ii) deleting the word ‘and’ at the end of sub-paragraph (iii); and
 - (iii) deleting the full stop at the end of sub-paragraph (iv) and substituting a semi-colon;”
- B. Re-number sub-paragraph (ii) as sub-paragraph (iv).

Madam Chairman: We have the amendment in front of us.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Sen. Dr. Gopeesingh: I am a bit confused about “(ba)”. What does that mean?

Sen. Jeremie: Subparagraph.

Sen. Dr. Gopeesingh: Can it not be “(b)(i)”?

Sen. Jeremie: It is a new subparagraph. That is the legislative form to show that it is not a part of the governing paragraphs before it.

Sen. Dr. Gopeesingh: It is usually substituted by (b)(i).

Sen. Jeremie: No.

Sen. Dr. Gopeesingh: It is just a minor point but it seems nonsensical.

Sen. Jeremie: It is very common. That is to distinguish it from “b”.

Sen. Dr. Gopeesingh: It is not used anywhere else.

Sen. Jeremie: In other pieces of legislation.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clauses 7 and 8 ordered to stand part of the Bill.

Sen. Dr. Gopeesingh: As a matter of clarification, is there a veterinary board and a veterinary registration board?

Mr. Rahael: That is under the Ministry of Agriculture, Land and Marine Resources.

Sen. Dr. Gopeesingh: We have “veterinary registration board”, is that a separate and distinct entity from “veterinary board”?

Mr. Rahael: Yes, it is separate and distinct.

Sen. Dr. Gopeesingh: I know from medicine. Is “veterinary registration board” separate and distinct from “veterinary board”?

Madam Chairman: Let us move on. We already voted on that.

Sen. Dr. Gopeesingh: I am not satisfied.

Madam Chairman: We already voted on that.

Clauses 9 and 10 ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendment, read the third time and passed.

FOOD AND DRUGS (AMDT.) (NO. 2) BILL

Order for second reading read.

The Minister of Health (Hon. John Rahael): Madam President, I beg to move,

That a Bill to amend the Food and Drugs Act, Chap. 30:01, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, before I move the adjournment of the Senate, I crave your indulgence and that of the Senators to go back to an agenda item that was dealt with earlier today, Bills brought from the House of Representatives. The Caribbean Community Bill was read the first time. In accordance with Standing Order 48(2), I now seek the leave of the Senate to move that the next stage of this Bill be taken at the next sitting of the Senate.

In addition, I wish to advise that there is another Bill, the Caribbean Community (Removal of Restrictions) Bill, which is being debated in the other place and which is inter-related. If the debate on that Bill is completed at the next

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sitting of the House of Representatives, it is the intention of Government that both Bills be taken together in this Senate.

An appropriate letter together with a copy of the Bill will be forwarded to the Senators.

Agreed to.

Sen. R. Montano: Madam President, just for clarification purposes, I object to any Bill being brought here—I am referring to the second Bill that the Minister referred to—which I have not seen. I will object strongly to any debate taking place next week, on the second Bill, if I have not seen it. This is an important Bill. I was looking through this and we will have a major debate. This is hardly likely to be done in one sitting, unless that sitting goes to 2.00 a.m. If the Minister is bringing a second Bill which we have not seen, I am going to ask that there be a division on it. I am not going to rush through an important piece of legislation like that.

Sen. The Hon. Dr. L. Saith: Madam President, I indicated what we have done. We have agreed to debate this one next Tuesday. I indicated if the Bill is passed in the other place—I have already discussed with the Clerk—we would make the Bill available to Senators well in advance of Tuesday, at which time I would have to move that the Senate grant leave to debate. We will deal with it at that time. If at that time we feel that we cannot debate the Bill, then we would postpone it to another day. There is a time limit we are working to and I am trying to facilitate everyone. If Senators feel they do not have enough time—I have no desire to force a debate until people have the time to do it.

I have discussed with the Clerk of the Senate to send out the Bill that is being debated right now in the other place so that Senators could study it. If there are amendments we would make the amendments known.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate do now adjourn to Tuesday, December 14, 2004 at 1.30 p.m. at which time I hope we will be able to debate the Bills which I have indicated and the Motions which are on the Order Paper, so that we could clean up the Order Paper.

Madam President: Hon. Senators, there are two matters to be raised on the Motion for the Adjournment. The first matter is by Sen. Wade Mark who is absent. It is my understanding that there is an agreement to deal with the second matter filed by Sen. Sadiq Baksh.

**Crown Point Airport Development Project
(Status of)**

Sen. Sadiq Baksh: Madam President, thank you very much for allowing me leave to raise a matter on the adjournment, which concerns the status of the Crown Point Airport Development Project. We are all aware of the need for the improvement of the Crown Point International Airport. We also know the long history, in terms of the need for the provision of air transportation, both between Trinidad and Tobago and the improvement of the aviation infrastructure, to facilitate the development of tourism in Trinidad and Tobago.

This is a dream that was first spoken about way back in the 1970s. Notwithstanding successive administrations' efforts to ensure the development of the Crown Point International Airport, it was this administration that took the step to turn the sod on February 13, 2004. I will not go into the design and history of that particular project, but suffice it to say, that long dream of having an improved airport at Crown Point was promised to the people of Trinidad and Tobago to become a reality, because of the hard work of this administration. At the sod turning ceremony, on February 13 the hon. Prime Minister stated, for the first time, in an ambiguous manner, that the airport will be delivered on time and within budget. That gave much hope to the people of Trinidad and especially my dear friends in Tobago because they recognize that only one flight coming in from the United Kingdom or any part of Europe could cause a serious problem at the airport. That dream, that was supposed to have been a reality four months ago, after the commencement of the sod turning ceremony, has eluded us so far.

What is worse is that the present Minister of Works and Transport, or the Government, did not come back to the population to give them the status of the Crown Point International Airport Development Project; it was as though they forgot that they turned the sod for that particular project. People in Tobago are saying that this is the first government that took a civil engineering project and turned it into an agricultural project. They dug a hole in the ground. They possibly placed a few bricks, some steel, some glass and some concrete and expected it to grow. That is what the people in Tobago are saying. They turned a civil engineering project into an agricultural project, expecting the steel and concrete to grow out of the hole that they dug in the Crown Point International Airport. I find that difficult to believe, especially after the errors of the past, from Project Pride to the city airport in the Beetham.

Madam President, you will recall that a city airport was promised to the people of Trinidad and Tobago, so when the Tobagonians land in Port of Spain, it

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would not be at Piarco. Do you recall that, Madam President? Page 35 of the 1995 manifesto of the PNM states that. I do not know! There were three attempts: to build an airport at Piarco, in the Beetham and now the Crown Point International Airport. When I filed this Motion, it was purely for the purpose of the Minister bringing us up to date as to the increased cost, so far and the reasons for the delay.

I will not speculate. The people in Tobago are saying that the reason the airport got stuck was because of a sewer line that caused a big stink at the airport. This is a bigger stink. Also, there were no drawings. The contractor confirmed that the drawings were only supplied to him weeks ago. When the drawings were supplied, the levels, if he were to follow the drawings, would cause the airport to have a step between the runway and the taxiway. The comedy of errors continues, but I am not surprised.

You will recall that last week we had a situation where an administration promised to build an airport and repair the runway. The runway is still in a bad state. We now have a situation in which the Crown Point International Airport, which was promised on time and within budget, is not yet delivered.

Madam President, we seek the answers to those pressing questions on behalf of the population of Trinidad and Tobago. I thank you very much.

The Minister of Works and Transport (Hon. Franklin Khan): Thank you very much, Madam President. Sometimes, I feel the word “airport” in this country—we have to keep a puja or something in order to get it right. The psychology of airports, after what we experienced at the \$1.6 billion Piarco International Airport fiasco, has really fundamentally disrupted the society of Trinidad and Tobago as it relates to projects of this nature. Because of that, people seem to be getting very jumpy every time we say “airport” or “airport runway”.

The Senator is right, to the extent that there are issues with the Crown Point International Airport, which I will articulate very shortly. Those of us who hold legislative positions have to guide the country forward and attempt to take people across that psyche that has been indelibly left in the minds of the citizens of Trinidad and Tobago as it leads to the construction of airports.

Madam President, as a Minister of Works and Transport for two years, you will be surprised to know how much mess I have had to clean up. At times you end up with a paradox because there is a price for doing it right in a society like this; an administration that has evolved through British colonialism, the

Westminster system and the construction of a public service. The real transformation is how to develop a system to do it right, but do it fast.

The former administration has continually claimed that they delivered projects. They are partially right, but they delivered these projects at a tremendous cost to the Exchequer, way and above what was needed. It is in that context I need to take, through you, Madam President, Members of this Senate and by extension the population, through the chronology as to where we are with the Crown Point International Airport terminal expansion.

By letter dated March 16, 1999, the firm of Lee Young & Partners was engaged by the Office of the Chief Secretary of the Tobago House of Assembly, at that time, the incumbent was Mr. Hochoy Charles, to design modifications to the Crown Point International Airport and to subsequently supervise construction thereof. The payment terms were as follows: 11.5 per cent of construction cost, reimbursables of \$76,500 and a construction supervision fee of \$46,000 per month.

6.15 p.m.

Madam President, before the original scope of service was completed, in April 2002—having regard to the need to improve the service at the Crown Point International Airport—Cabinet agreed that the following works be undertaken:

- (1) extension of the existing terminal building with appropriate internal changes; and
- (2) upgrade of existing building services and installation of furniture.

These works were to be done at an estimated cost of \$5 million. In November of 2002, Cabinet rescinded its decision and agreed to the expansion of the facilities at the Crown Point International Airport at an estimated cost of \$75 million. The scope of work is outlined and it could be circulated if Senators wish to see it.

Madam President, in January 2003, the Joint Consultative Council (JCC)—the very people who have been the watchdogs of the Piarco terminal fiasco—held a meeting with me, to discuss the issue of the procurement of the consultants for the Tobago Crown Point International Airport. In January 2003, the issue of procurement by Lee Young and Partners (LYP) was raised by the President of the Joint Consultative Council for the construction industry. It was alleged that the proper tendering procedures were not followed.

In February 2003, Cabinet agreed that the contract awarded by the Tobago House of Assembly to LYP be terminated, and an investigation be conducted into the circumstances surrounding the award of the above contract. The firm Vicar Enterprises Limited was engaged by the Ministry of Works and Transport to conduct this investigation. The investigation included inter alia:

- (1) the degree of involvement and consultation of the THA with the Airports Authority prior to the award of the contract;
- (2) the tendering procedure that was followed, if any, which led to the award of the contract to LYP;
- (3) proposals obtained by LYP upon which the award of the contract was based;
- (4) the existence of comparative proposals, if any, by other consultants and the reason for the ultimate rejection; and
- (5) the ultimate cost to the taxpayer had the contract been allowed to flow to completion.

Madam President, in November 2004, the final report of the investigation was submitted to the Minister of Works and Transport. This report would be taken shortly to Cabinet.

At the time, the Chief Secretary of the Tobago House of Assembly and his office, took up the telephone and called LYP and told them to design and execute a contract for the THA. The Joint Consultative Council said that they were going to court if the Government did not rescind that decision—obviously, you cannot spend public funds like that.

Madam President, knowing the history and the role that the JCC played—the construction watchdog in the country—I was left with no other choice, but to take the matter to Cabinet with a recommendation that we determine the contract of LYP, and go out for public tender, and that decision was taken.

In May 2003, the Airports Authority issued a request for proposals to all architects registered with the Central Tenders Board. The architects were to be the lead consultants for the review of proposals, planning, design and supervision of the Crown Point terminal modification expansion project. The firm of Reynold Associates Limited, in association with Planning and Santec Limited, were awarded a contract on October 14, 2003, to provide project review and full consultancy services. Planning and Santec Limited's contract was to take the

work that LYP had done and review it, do modifications and prepare contract documents to execute the construction of the terminal building.

When Planning and Santec Limited, in association with Reynold Associates Limited, went there they were very dissatisfied with what they saw. There was the absence of basic design requirements in the LYP proposals, when compared to the design requirements currently developed in the current schematic design. This led to the discerning of major inefficiencies and deficiencies in the so-called completed design of LYP that did not satisfy the fundamental requirements, and which only provided a level of service that would not only frustrate the airport operators, but also induce a level of discomfort to the travelling public.

Madam President, fundamentally, Planning and Santec Limited had to redesign the airport terminal from scratch, because of certain fundamental issues with regard to the parking of large aircraft like the Airbus A-340. There was insufficient space with respect to the angle of the building; and the whole issue of the flow of traffic of people; and where to put the customs and immigration sections.

People have failed to realize that you just do not build a building or put up a shed. The world is an expert driven world. There is expertise to do things, and we have to learn to do it right. Only when you design properly and say, well, that is what I am going to build that things would be okay.

As the Minister of Works and Transport, sometimes I am criticized because people want to see a tractor on the ground; they want to see a bulldozer; and they want to see a crane, but work is also intellectual. One of the problems with Third World countries is that these countries do not recognize intellectual work. If there is a project with a project life of two years, nine months of that project may be conceptualization design—putting in the design details so that the execution arm would come after, but because of the culture where intellectual work is not recognized as work, sometimes people want to see you rush ahead and do the work.

When the Piarco terminal building was being built, the shell was put up because that was the process of fast tracking—the external walls were being put up without the electrical system being designed. There were no drawings for electrical work, and there were no drawings for plumbing when some of these things were being done. *[Interruption]* Madam President, it is in that regard that Planning and Santec Limited now has the new designs.

We held major meetings with the THA. We have to understand that when the Airports Authority is doing a project in Trinidad, the Airports Authority is

operating on behalf of Trinidad and Tobago, so there was not really an oversight. There is a unique constitutional arrangement between Trinidad and Tobago. So, even though this was a quasi-government function, in the context of good governance, it was always our intention to engage the THA to have its concurrence. In that regard, the THA had certain concerns about the design, and there was a lot of iteration back and forth. We did not want to proceed with the construction of a terminal building without the buy-in of the THA.

Madam President, the airport terminal project will be done in eight phases. Phase I is the first part of the taxiway and apron which is currently under construction. The area is located west of the existing apron and to the south of the road between the cargo warehouse and the apron.

Phase II involves the following activities:

- (a) temporary offices for the meteorological office;
- (b) demolition of the existing meteorological office;
- (c) erection of a new domestic terminal office east of the existing terminal;
and
- (d) expansion of the existing check-in areas and airline offices.

Phase III involves the construction of roads and parking facilities at the east end of the terminal.

Phase IV will run parallel with phase II. The work involves the relocation of airport access roads to an alignment north of the retail facilities.

Phase V involves expansion of international departure and arrival into the areas vacated by the move of domestic operations.

Phase VI includes the completion of the new apron and parking areas to the west of the terminal water supply and sewage system.

Phase VII includes the construction of the new international terminal building.

Phase VIII involves the remodelling of the existing terminal for domestic use to provide expanded check-in, baggage, make-up facilities and offices. Contract documents are being prepared so that we could execute the work in phases.

Madam President, I must admit that the contract that is presently being done by Ragoonathsingh and Sons has been giving us no small number of problems. This really has to do with an under-capacity in Tobago when dealing with civil works. There is an issue where they took material from Studley Park Quarry, and

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the work was not up to scratch. I do not want to use the Senate to bad talk any contractor, but this contractor has been a non-performing contractor in Tobago. The THA has officially objected to this contractor to the Central Tenders Board. In fact, that matter has tied up many of the Inter American Development Bank contracts.

Madam President, we are putting things in place to proceed with this part of the contract. I will go public very shortly with respect to the revised timeline for the construction of these seven phases that I have indicated.

Madam President, thank very much. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.27 p.m.